CONSIDERATIONS

ON THE

PRESENT AND FUTURE

STATE OF FRANCE.


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CONSIDERATIONS

ON THE

PRESENT AND FUTURE

STATE OF FRANCE.

By M. *DE CALONNE*,

MINISTER OF STATE.

TRANSLATED FROM THE FRENCH.

Statuo esse optimè constitutam Rempublicam, quæ ex tribus generibus illis, Regali, Optimo, & Populari, confusa modicè .....

Cic. Frag. de Republicâ, lib. 2.

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M.DCC.XCI.



PREFACE.

A WORK that treats of all the important tranſactions of the Aſſembly of the Repreſentatives of the French Nation, to the beginning of October (1790), and which is publiſhed by the middle of the ſame month, ſeems to merit the cenſure of a too rapid compoſition, not digeſted with that mature reflexion which a ſubject of ſuch moment requires. When a ſimilar objection was made to me, in 1787, on the precipitation with which certain circumſtances unknown to the public obliged me to draw up the Memoirs which I ſucceſſively gave in to the Notables, I anſwered: "Read, and ſee whether what I offer does not bear the marks of great labour, much reflexion, and many previous reſearches." I may again make the ſame reply; and I imagine it will eaſily be believed that the extraordinary revolution which has taken place in my country has intereſted me too ſenſibly for me not to have read, with the greateſt attention, every thing that, at the diſtance at which I

am, I could collect on what has paſſed within the laſt ſeventeen months; nor can it be doubted but I have carefully conſidered the important queſtions which, during that time, have been diſcuſſed, and abruptly determined, in a very ſurpriſing manner. Even though I were not impelled by a powerful perſonal motive to take part in events of which I ſhall, perhaps, be conſidered as the firſt cauſe, by having occaſioned the convoking of National Aſſemblies; ſince I was born a Frenchman, they muſt have made on me the ſtrongeſt impreſſion, and have occupied all my thoughts. The ideas ſuggeſted by every new occurrence fell from my pen, at the ſame time that they deeply affected my heart; and when, at laſt, I determined to publiſh them, I had only to collect them, and add the obſervations I had made on the more recent operations of the Aſſembly, the ſtatements given in by the Committee of Finances, and, particularly, the decrees paſſed towards the end of the month of September *.

It

* It may be ſeen, by the duplication of a number of pages (in the original), that I have inſerted obſervations on ſeveral articles while the work was printing. During the ſame time another production appeared.

It cannot be ſaid that I have too haſtily broken the ſilence I had impoſed on myſelf, ſince the date of my Letter to the King, which unhappily has proved but too prophetic. I have kept this ſilence during a year and a half; but I confeſs that, latterly, ſince the undefinable work called the *New Conſtitution* has been nearly completed, and ſince I have been informed, as the public has been, that the diſcontent and fermentation which prevail in every part of the kingdom, increaſe from day to day, and may, every moment, be expected to burſt forth, and produce, by their exceſſive violence, the moſt fatal effects,—I have believed it highly neceſſary to offer ideas equally diſtant from the two extremes, and ſuch as appear to me adapted to prevent the errors and dangerous

peared, which was attributed to me. It was entitled *Obſervations on the Finances, addreſſed to the Aſſembly, by M. de Calonne*. I imagine it is not neceſſary that I ſhould declare this pamphlet is not written by me: the ſentiments it contains bear no reſemblance to thoſe I profeſs; the plans relative to the finances, in like manner, have no conformity with mine; and, in every particular, a compariſon of the two works will, I flatter myſelf, render my diſavowal of the ſpurious one unneceſſary.

ſhocks which may be produced by the blindneſs of deſpair, and the wanderings of the public mind, if it be not recalled to one ſame point of view, and directed to a rational end.

The impulſe which I received from this conſideration became ſtill ſtronger, when I learned that, far from any intention being entertained to reſtore to the King and Queen that liberty of which they had been ſhamefully deprived during a whole year, it ſeemed determined to render their ſcandalous and too real confinement ſtill more ſtrict *. Ought any perſon to be ſurpriſed that I have preſerved an inviolable and faithful attachment to that unfortunate Monarch, the victim of his intention to render his people happy, and who, alas! has but too much reaſon to regret that he has been induced to ſacrifice me without giving me time to complete an enterpriſe of which, before it was begun, I had frankly and repeatedly declared to him, that its conſequences,

* We have heard from Paris, that, on a groundleſs rumour perfidiouſly ſpread, that their Majeſties intended to go to Normandy, they were told that they muſt quit St. Cloud, and come to the capital; to which they actually returned.

conſequences, which would depend on his firmneſs, muſt determine the happineſs or wretchedneſs of his kingdom.

My eyes overflow with tears, as often as I recall to mind all that he has ſuffered, from that period, which occaſioned a univerſal change to him, and to the whole kingdom—Our ferocious and ſacrilegious demagogues will perhaps laugh with an impious diſdain at a ſentiment which, nevertheleſs, Frenchmen always have felt—and which they ſtill feel. But all worthy men will applaud it; and even though it ſhould be generally diſapproved, death alone ſhall extinguiſh it in me.

I do not fear that any one ſhould hence conclude that I have a mean way of thinking, or a puſillanimous heart. I have always ſo openly avowed my opinion, I have ſo reſolutely confronted, when neceſſary, the moſt formidable obſtacles—I have directly oppoſed, on more than one occaſion, the prevailing opinions, and have ſo conſtantly perſevered in my principles through my whole life, that I can never be ſuſpected of weakneſs. Even thoſe who boaſt of having attacked authority with

with vigour, and ſupported the cauſe of the Nation with firmneſs, cannot deny that there is more courage in expoſing ourſelves to the animoſity of the people, by combating their errors, than in ſeeking their favour by flattering their paſſions.

As little can it be imagined that I am actuated by any kind of ambition or avarice. The experience I have had of great employments has diſguſted me with them for ever; and the tranquillity of my retreat is become to me ſo precious an enjoyment, that I muſt loſe by any exchange. Beſides, had I conſulted my own intereſt, would it not have adviſed me to renounce ſentiments that meet with no reward, and embrace thoſe which might procure me, as they have procured many others, celebrity, popularity, applauſes, and by theſe an indemnification for all that I have ſuffered? Certainly, conſidering the advantages which I might obtain by joining the party oppoſite to that to which I have adhered without hope, and even without any poſſibility of profit, I muſt rather be ſuppoſed a dupe, than devoted to my intereſt.

Can

Can it then be any peculiar predilection for deſpotiſm, which has guided my pen? I doubt whether any perſon ever entertained ſuch a predilection, when he could derive from it no advantage. And how is it poſſible to ſuppoſe that, in the aſylum which has been granted to me by a free People, and in which I am reſolved to end my days, I could form the wiſh to ſee my country in ſlavery? Of this I ſhall not be ſuſpected, when my book has been read throughout.

If it is equally abſurd and improbable to imagine that I have been influenced by any of theſe views, if my conduct announces no unworthy intention, if it is impoſſible to attribute to me any deſign at which I may have cauſe to bluſh, I ought to be believed when I declare, as I do with truth, that the true intereſts of twenty-ſix millions of men, who are plunged into wretchedneſs, and loyalty to my King, who is perpetually made the object of inſult, are my only motives. Can there be any more powerful? Knowing, as I do, perhaps better than almoſt any other perſon, how to procure and enjoy happineſs, I ſhould not riſk the certainty of an eaſy and tranquil life, from any other motive than that which

which no generous mind can reſiſt, *the hope of effecting a great good*; and this I might flatter myſelf I ſhould be able to effect, if, by propoſing views worthy to be adopted by every rational being, I might be able to render all ſenſible people of one opinion, to bring them back to practicable ideas, and to reconcile, as much as may be poſſible, thoſe whom the ſpirit of party impels to a continual oppoſition.

Yes—could my efforts be as efficacious as my zeal is pure, could my voice be heard by the people amid the clamours which diſturb their reaſon, the wounds of France might yet be cloſed; tranquillity might again be reſtored; and I might one day be enabled to ſay, "I have contributed to ſave my country."—For ſuch a happineſs, what ought we not to riſk!

Lively, amiable, and generous Nation, to whom nothing is wanting but a little more reflexion! how long will you ſuffer yourſelves to be blinded? How long will you be the ſport of an aſſociation of intriguing men, enthuſiaſts, and dupes, who act as if, at the time you created them your delegates, you had ſaid to them: "Go, and overturn every thing;

"make

" make war againſt the King, the Clergy,
" the Nobility, the Magiſtracy, and all the
" poſſeſſors of landed property; treat with
" reſpect only the monied men of Paris,
" and the ſtock-jobbers: as for the reſt, de-
" ſtroy every thing without reſerve; aboliſh
" all corporate bodies, and all engagements
" contracted with them, all compacts with
" individuals, all charters of provinces;
" complete the ruin of the finances, and load
" the land with the weight of an inſupport-
" able tax:—but, from the midſt of theſe
" ruins, let a Conſtitution ariſe, ſo new, that
" it may abſolutely reſemble nothing. No
" doubt, were you to reflect on what you have
" been, and what has been your employ-
" ment through life, you could never expect
" to become, in an inſtant, ſupreme legiſla-
" tors, univerſal adminiſtrators, politicians
" ſuperior to the experience of all ages,
" and all-powerful ſovereigns: but dream
" that you are all theſe, and let your dream
" produce a government which ſhall have
" no example, and can have no imitator."

Should ſuch an harangue appear the height of extravagance, ought you, my countrymen, to act as if you had held this language? Ought you to ſubmit to the evils which muſt be

be the conſequence; to periſh, rather than abandon a chimera; and ſuffer yourſelves to be plunged to the bottom of the gulph which ſome heated imaginations have opened beneath your feet? Are you not yet ſufficiently inſtructed, by the ills you feel, to foreſee and prevent the dreadful fate which anarchy prepares for you? Mildneſs and ſenſibility form your character, but at times you are capable of every exceſs; and now can no longer recognize yourſelves in the ferocious cruelties with which the inſtigators of a multitude, frantic from credulity, have polluted your future hiſtory. Learn, at length, to know your true intereſts; and abjure ſentiments which are repugnant to your humanity, which diſhonour the French name, and which, at the ſame time, bring on you an inexhauſtible and ſtill encreaſing ſeries of calamities. Reaſſume the manners which gave an irreſiſtible charm to a reſidence among you; reaſſume your ancient and honourable loyalty to your Kings; regain thoſe ſerene and tranquil days which you enjoyed; and regret not the advantages with which your eyes have been dazzled; ſince it is certain that all of them which are real may be obtained without violence, without diſturb-

ance,

ance, without a univerſal ſubverſion, and that every thing more is only illuſion and deceit.

How fatal is the art of deceiving the people! And what an execrable uſe has been made of it, within a year paſt, by the diſturbers of France!

They have firſt deranged all underſtandings, by the idea of an abſolute equality among all men, which has produced a general frenzy. When the Aſſembly made a law of this philoſophical chimera, had it not reaſon to reproach itſelf with having given into the hands of the people the dangerous cup of an inflammatory potion, the abuſe of which it might have foreſeen?

What vile means have afterwards been employed to nouriſh and increaſe the popular ferment!

The fear of a dearth, ſometimes really to be apprehended, and ſometimes factitious, has been made uſe of to excite at pleaſure alarm and deſpair.

By inceſſantly preſenting to the multitude portraits of Deſpotiſm, exaggerated in themſelves, and inapplicable to the preſent reign,

reign, the picture, much more intereſting to them, of their preſent ſituation, and the terrible conſequences of anarchy, has been concealed from their view.

To irritate the people againſt thoſe whoſe very luxuries gave them bread, and to divert their attention from the fatal blow which the emigration of perſons of property gives to the principles of their ſubſiſtence, they are continually amuſed with tales of imaginary conſpiracies, attributed to the firſt Orders of the State; they are made to view as ſo many oppreſſors eager for their ruin, the Princes and Nobles of the kingdom, the Miniſters of the Church, the Magiſtrates, and, in fine, all thoſe who, continuing ſtill attached to the King, are diſtinguiſhed by the name of *Ariſtocrats*; and the abſurdity of calumny has even proceeded ſo far as to impute to them the crimes which have been committed againſt them.

This unhappy people, delighted inceſſantly to hear ſpeak of their rights, their ſovereignty, the trophies of their regained liberty, ſtyle thoſe who ſport with their credulity, their defenders; give more attention to their magnificent promiſes than to their own daily ſufferings; and eaſily permit themſelves to be perſuaded that, *in a little time*, they will

will ſee their misfortunes converted into infinite benefits, and the public proſperity ſhine forth reſplendent from the ruins of the Monarchy.

They have been made to believe that, to render permanent the reign of liberty, it has been neceſſary to eſtabliſh the reign of the Inquiſition; that the decree which enacts, *that every citizen may ſpeak, write, and print, freely*, ought not to ſhelter from the moſt vexatious proſecutions any one who ſhall act, ſpeak, or write, contrary to the ſentiments of the party of the demagogues; that *the free communication of thoughts* ought not to prevent the ſecrecy of private correſpondence being violated more than ever; and that it is in order to ſecure to Frenchmen the enjoyment of their liberty, that the arbitrary crime of *treaſon againſt the nation* has been invented, a Committee created to make reſearches concerning it, and a Commiſſion appointed to try thoſe who are accuſed of it.

It is while Liberty has been the inceſſant theme, that we have ſeen revived, in our time, the proſcriptions of Marius and Sylla, the ſecret informations of the Neros and Tiberiuses, and the abominations of the moſt barbarous ages! It is for the ſake of Liberty that the

King and Queen, torn from their palace over the bleeding bodies of their guards, maſſacred before their eyes, have been retained priſoners in their capital; it is for the ſake of Liberty that the greater number of the Princes of the blood royal, the moſt illuſtrious families of the kingdom, and more than two hundren thouſand citizens, have been compelled to fly their country! In fine, innumerable aſſaſſinations, committed with impunity, devaſtations continually repeated from one end of the kingdom to the other, the perpetual terror which the licentiouſneſs of unreſtrained plunderings inſpire, and all the exceſſes which popular tyranny produces, theſe are the firſt fruits, theſe are the bulwarks of that newborn Liberty which intoxicates to a degree of madneſs the whole Nation.

Have not the high-ſounding words LIBERTY, PATRIOTISM, the GOOD OF THE NATION, ſerved for a pretext and veil for the moſt atrocious crimes? Continually inſcribed, in large characters, on the ſtandards of the moſt ſeditious revolutions, they faſcinate for a time the eyes of the multitude; but quickly Miſery, which ſtalks behind them, breaks the incantation. To the charm which the people commonly find in the firſt moments

moments of confuſion, ſucceeds the bitter return of reflexion; and the cruelties which an ardent delirium had cauſed them to commit, are followed by the ſhudderings of horror, and the ſtings of ſhame and remorſe. The authors of the commotion, who know what they would have to fear from the ſame multitude, ſhould they once ſuffer them to cool, think diſpaſſionately, and look around them, uſe all their endeavours to irritate them to rage, and prevent them from diſcerning the truth, ſometimes by pretending the diſcovery of *a new plot for a counter-revolution*, and ſometimes by imputing to the neceſſity of a total regeneration the various acts of cruelty which they ſtyle *political misfortunes*, and which they dare to excuſe by coolly aſking, *Whether the quantity of blood which it has been neceſſary to ſhed, equals the meaſure of the advantages which may be expected?*

How atrocious is ſuch a queſtion! I have anſwered it in this work. It is time, it is more than time, to undeceive the people. I will demonſtrate to them that the future evils which await them are ſtill more dreadful than the preſent; I will ſhew them that the Conſtitution they are promiſed is contrary to their wiſh, to their intereſt, to reaſon, and

that it is beſides a chimera which cannot be reduced to practice. I ſhall not find it difficult to prove that it is impoſſible Frenchmen ſhould become more happy, by being without a king and without a government. I will point out the heavy increaſe of taxes which a perſeverance in the ſyſtem hitherto followed muſt inevitably occaſion; and, laſtly, I will demonſtrate, ſo clearly as to compel aſſent, that the entire diſſolution of the monarchy is the conſequence of all that has been done, and that, unleſs order be ſpeedily reſtored, the total ruin of the kingdom muſt enſue.

But I ſhall not merely exhibit this terrifying picture; nor ſhall I conclude from it, that the evil will admit of no remedy, or that the remedy muſt be as violent as the evil. I hope to prove that it is only neceſſary to take the courſe preſcribed by law and reaſon, to find again the way to happineſs; and that, by removing every thing that is equally injurious and vicious, and carying into execution the Inſtructions of the elective aſſemblies to their conſtituents, conformably to the intention of the King, we may preſerve all the real advantages which the people can derive from the Revolution.

Such is the deſign of this work.

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TABLE

Of the Amount, in Engliſh Money, of the Principal Sums ſtated in this Work.

	Page	*Livres.*	*£.*	*s.*	*d.*
Old Deficiency - - - - - -	42	56,230,000	2,342,916	13	4
New Deficiency - - - - - -	56	155,770,000	6,490,416	13	4
Œconomical Reductions - - - - -	61	75,476,000	3,144,833	6	8
Total of the preſent Deficiency - - - -	62	255,724,000	10,655,166	13	4
Loans - - - - - -	71	287,000,000	11,958,333	6	8
Increaſe of the Capital of the Public Debt within the three laſt years	82	1,255,000,000	52,291,666	13	4
Amount of Penſions as ſtated by the Committee of Penſions	337	58,836,726	2,451,530	5	0
	346	80,000,000	3,333,333	6	8
Real Amount of Penſions, according to M. de Calonne - -	345	32,007,958	1,333,664	18	4



N. B. The value of any other ſum, eſtimated in livres, may eaſily be obtained, by dividing by 2 and 12: the laſt quotient will be Engliſh pounds ſterling, and each unit of the remainder, 1s. 8d.; but if 1 remained after the firſt diviſion, 10d. muſt be added.

CONSIDERATIONS

ON THE

PRESENT AND FUTURE

STATE OF FRANCE.

EVER ſince that memorable day on which the Aſſembly convened to reſtore life and vigour to the kingdom of France met for the firſt time, I have attentively followed its deliberations, and never ceaſed to accompany them with my ſincereſt wiſhes for their ſucceſs, until it became impoſſible for me to hope that they could terminate in any real good. I was alarmed when I perceived that, inſtead of labouring to reform and perfect, the Repreſentatives of the Nation imagined they were appointed to deſtroy and new create every thing, that they overturned the edifice, the foundation of which it was their duty to ſtrengthen; and that, when delegated only to amputate

putate the corrupted parts, they hewed in pieces the whole body. I ſaid to myſelf: Is it poſſible that men ſhould be found ſo ſimple, and ſo raſh as entirely to overturn a conſtitution under which an empire has grown old with glory? Can they be ſo little verſed in political ſcience, as not to know that governments are formed and completed by time, but that they cannot be created at once?

Could I afterwards refrain from feeling that indignation which has increaſed from day to day in proportion as the progreſs of this deſtructive mania has ſhewn, that what ought to effect the happineſs of my country has become the cauſe of its ruin; that a door has been opened to every crime and every miſchief; that thouſands of citizens have been oppreſſed, without procuring relief to the people; and that the benefactions of the King, turned againſt himſelf, have only been repaid by ſuch an exceſs of ingratitude, that he has at length been ignominiouſly deprived of his crown?

Long have I endeavoured to perſuade myſelf that thoſe who have ſuffered the impetuoſity of their ardent enthuſiaſm for liberty to hurry them beyond their aim, would ſoon ſee the neceſſity of meaſuring back the ſteps they had taken, as the lion returns on his prey, which he always overleaps at the firſt bound. But ſince a violence which ſpurns at all reſtraint has ſucceſſively thrown down every boundary, and proceeded to the laſt extravagance

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vagance of a ſyſtem too eſſentially vicious to admit a hope of any amendment, I have felt, in the moſt forcible manner, the neceſſity of a ſpeedy remedy; I have ſought to diſcover that which would occaſion the leaſt convulſion; and the ſame ſentiment which has impelled me to ſeek it, has impoſed it on me as a duty to communicate my ideas. I do not diſguiſe to myſelf either the danger of the undertaking, or the improbability of its ſucceſs; but when our country is on the brink of ruin, it is incumbent on each of us to endeavour at leaſt to render her every ſervice of which he is capable; and at ſuch a time, all the prudence of fear, and all the modeſty of ſelf-love, ought to give way to the obligation we are under to do every thing in our power that may poſſibly be attended with utility.

I will ſay, then, that the horror of what is paſt, the certainty of what is to be foreſeen, and a careful enquiry of what is to be wiſhed, have led me to believe that the only means to confirm by rectifying the Revolution, conſiſts in carrying into execution the national Inſtructions *, by which the Aſſembly ought to have been guided. I will affirm, that by this alone we ſhall be able, without violence, to render to the State its true conſiſtency, to the King all that appertains to him, and to the people all they have a right to expect.

* *Cahiers.*

You who no longer recognize our unhappy country, bleeding and disfigured as ſhe appears, yet who ſtill love her in remembrance, and feel equal grief and regret when you recollect what ſhe was, and what ſhe might have become, you will not refuſe to me your attention; and you whom a too fatal error has led aſtray, you who have brought ruin on the kingdom, while you imagined that you were regenerating it; you alſo who have been terrified by phantoms, or ſeduced by illuſions, raiſe for a moment the bandage which has been placed before your eyes, and read without prejudice. Let that artful villainy which has worked the public miſery for its own execrable profit, rage againſt my book; let blind fanaticiſm furiouſly rend it in pieces—it is what I expect, and will give me no diſturbance. I reſt my defence with thoſe who are ſtill able to liſten to the voice of reaſon and humanity.

Whatever opinion men may have embraced, or to whatever party they may be attached, there is one point of fact on which the whole world muſt unhappily agree; which is, that the ſtate of France at the preſent moment is inexpreſſibly deplorable, and ſuch as no good and benevolent mind can view without ſhuddering. In vain may it be endeavoured to turn our eyes from it, and faſcinate our imaginations with ſplendid promiſes; the utmoſt art of the orator, and the empty ſound of emphatical words, can never efface the dreadful image of

of the ſcene we behold, nor ſtifle the ſentiment we cannot but feel. The King detained captive by his ſubjects, the kingdom a prey to rapine, the power of the nation annihilated, juſtice mute and trembling, the moſt atrocious crimes unpuniſhed, and, what is the height of abomination, innocence judicially puniſhed—theſe are facts the impreſſion of which has been too profound for it to be poſſible to diminiſh the horror they inſpire. Is it not notorious that, in theſe diſaſtrous days, which ſome have dared to ſtyle the aurora of proſperity, there are no longer any rights which are reſpected, ancient maxims which are not contemned, engagements which are not broken, property which has not been invaded, or duties which have not been trampled under foot? And while our modern legiſlators ſtalk with an air of dignity over ruins which they conſider as trophies, while their fanatic adherents and intereſted agents coaleſce, and congratulate, and mutually electrify each other, what a ſpectacle does France, cruſhed beneath her own ruins, preſent to the reſt of the world! On every ſide nothing is to be ſeen but maſſacres, conflagrations, and riotous multitudes, which act the moſt barbarous ſcenes; every where reign gloomy terror, inhuman diſcord, and the blackeſt diſtruſt: calumnious accuſations, which a falſe zeal encourages, are ſuſpended over every head; and ſpies, in the pay of Intrigue, ſurround all the citizens, not one of whom is now ſecure of his poſſeſſions, his life, or his honour.

Such have hitherto been the fruits of the Revolution, ſuch are the viſible effects of that *regeneration*, ſo pompouſly announced, and the object of which has been ſo ill fulfilled. Paths the moſt oppoſite to thoſe which had been pointed out, have been followed. A rational liberty was to have been eſtabliſhed—the moſt unbridled licentiouſneſs has been introduced; property was to have been protected—every kind of it has been violated; the different powers were to have been limited—they have all been confounded; the ruinous ſtate of the finances was to have been remedied—it has become ſtill more deſperate. Inſtead of providing for the annual deficiency, it has been immenſely increaſed; inſtead of preſerving the engagements of the State inviolable, a greater failure in them all than was ever before known has been ſuffered; inſtead of rendering more fruitful the ſources of public wealth, they have all been dried up. To the ſalutary uſe of a prudently managed credit, the tranſiently beneficial, but laſtingly dangerous, expedient of a forced paper-money has been preferred. Great ſacrifices freely offered by the Clergy preſented a powerful reſource:—it has been rather choſen to obtain leſs, by unjuſtly plundering them of their property. The Nobility had conſented to the abolition of their pecuniary privileges:—Nobility itſelf has been aboliſhed. Laſtly, the relief of the people was the principal, or to ſpeak more properly, the only object of the convocation of the Aſſembly; and ſince the reign of that Aſſembly, the

wretchedneſs

wretchedneſs of the people has only been increaſed, the means of their ſubſiſtence have been diminiſhed, and a ſucceſſion of ill-concerted meaſures have prepared for them an increaſe of burdens which can no longer be avoided.

Have I been guilty of any exaggeration? How much, on the contrary, might I not yet heighten this gloomy picture, were I only to retrace what is univerſally known and felt! All muſt have obſerved that the vain endeavour to realize the impracticable theory of the primitive rights of man, has ſapped the foundations of ſociety; that the ſame ſyſtem which has levelled all ranks, has ſevered all the bands of ſubordination, diſſolved all the elements of public authority, and deprived the State of all its ſupports. Religion, which ſhould have been its principal bulwark, is attacked in its miniſters, and ſhaken in its foundations. The Order of Nobility, whoſe valour has at all times ſo well ſerved its King and Country, can only oppoſe its deſtruction by its deſpair. The Magiſtracy, which has ſo often defended the rights of the nation, is annihilated. The Army, corrupted by money, and enfeebled by deſertion, refuſes to acknowledge its chiefs. There no longer exiſts in the kingdom either credit, or circulation, or even the appearance of ſpecie. Commerce and induſtry are ſtruck with a mortal inactivity. The capital, a reſidence in which is become as dangerous as it was formerly attractive, has ſeen, in leſs

than a year, all its ſplendor changed into wretchedneſs, its population diminiſhed by one third, and the third of what remains reduced to aſk alms. The provinces have loſt both the reſources by which they were invigorated, and the rights which were ſecured to them by ſolemn capitulations. With regard to other countries, that reſpect which France had ſo long enjoyed has vaniſhed in an inſtant, her political exiſtence has ſuddenly diſappeared; and, as one of the fineſt geniuses of England has ſaid, the place which our monarchy occupied in the map is now only one vaſt void.

That this is the preſent diſaſtrous ſituation of France, is univerſally acknowledged; and the deſire of a change muſt be, and is, no leſs general. Every one laments the preſent ſtate of the country, and every one looks forward with the hope of a happier futurity:—the only difference is that ſome expect this from the completion of the meaſures of the Aſſembly, and perſuade themſelves that they will cauſe a durable proſperity to ſucceed a momentary criſis; while others can only ſee, in the future effects of the new doctrines, a continually increaſing progreſſion of diſorders, and an endleſs multiplication of the evils which are the conſequence of anarchy. The former ſay that no revolution can be effected without diſturbance, as there can be no ſtrong ebullition without ſcum, nor remelting of metals without droſs; but as the pureſt cryſtalliſations are obtained from the ſtrongeſt fermentations,

tions, the violence of the preſent ſtorm promiſes to France ſerene and happy days. The latter maintain, on the contrary, that a perſeverance in pernicious principles can only aggravate their fatal conſequences; that what is radically vicious, cannot be rectified by time; that a general diſſolution of all the parts of the body politic cannot produce its renovation; and that, if we may be permitted to hope that a bad goverment may be reformed, we can by no means expect any good to reſult from a total annihilation of government.

To decide between theſe two opinions, and form a true judgement of the future, we muſt examine what may be expected from the preſent Aſſembly, what may be hoped from the Aſſemblies which ſhall ſucceed it, and what will follow from firmly eſtabliſhing and executing all the decrees on which what is called the Conſtitution is founded.

It is in the firſt place evident that the preſent Aſſembly is not inclined in the leaſt to deviate from the plan which it has traced out to itſelf, nor to recede a ſingle ſtep; ſince, far from teſtifying the ſmalleſt regret at having carried all its meaſures to the extreme, it has continually proceeded to greater exceſſes: and the laſt term, in a progreſſion of extravagance, can never be a return to moderation. Immerſed in its ſyſtems, the Aſſembly neither wiſhes, nor has it in its power, to change them; its own conduct obliges it to maintain them

to

to the laſt, and they are even eſſential to its exiſtence; for, compoſed and guided as it is, it muſt neceſſarily do what it has done, nor was it poſſible to expect that it ſhould act otherwiſe. Perhaps, alſo, thoſe who direct its operations believe their own perſonal ſecurity depends on the entire ruin of the State, the deſtiny of which ſeems to be abandoned to their will.

Nor can we hope for any thing better from future Aſſemblies: the preſent has even taken care to remove every doubt on this head, by arrogating to itſelf, excluſively of every other, the conſtituent power, in ſuch a manner, that the Aſſemblies which may come after it, under the title of *Legiſlatures*, ſhall not be permitted either to change or correct any thing it may have enacted reſpecting the conſtitution. We muſt not be aſtoniſhed that thoſe who have imagined they might inveſt themſelves with the right of creating a government, will not admit that this right can be communicable. It is indeed certain that there would be no Conſtitution, if it were ſubject to continual changes. But is it impoſſible to reconcile the neceſſity of preſerving the Conſtitution from a fatal inſtability, with the unalienable rights of the Nation, which do not permit that one Aſſembly of its repreſentatives ſhould limit the powers which it may judge proper to delegate to ſucceeding Aſſemblies? This queſtion I propoſe to examine hereafter, and to ſhew that the fundamental

fundamental laws of the State may be rendered invariable, without thoſe who are appointed to draw up the code of them aſſuming to themſelves infallibility. At preſent I only mention this their high claim, to prove that, according to the principles of the Aſſembly, however vicious its conſtitutional decrees may be, they cannot be amended by the ſucceeding Legiſlatures: its oracles are irrevocable.

We may here remark the progreſs of the ſucceſſive uſurpations of our Repreſentatives. They took their ſeats under the name of *Deputies from the Aſſemblies of the Bailliages to the States General:* ſoon after, they thought proper to aſſume the title of *National Aſſembly*; and next called themſelves excluſive depoſitaries of the *conſtituent power.* From their primitive function of *Reformers of abuſes*, they have raiſed themſelves to that of *Regenerators of the State*, and afterwards to that of *Sovereign Legiſlators* without any co-operation whatever. Not contented with theſe titles and prerogatives, they have alſo ſeized on thoſe of *the executive, adminiſtrative, and judiciary powers*, and have covered all theſe uſurpations by that *unlimited authority* which it is alledged appertains to a *National Convention.* Their political intolerance has alſo been in like manner progreſſive. To entertain a different opinion from theirs, at firſt only expoſed the perſon who avowed it, to be calumniated,

lumniated, reviled, and hooted; at preſent we muſt admire them, and think as they do, under pain of death. Since they have declared that the revolution is finiſhed, to teſtify any diſapprobation of it, or even not to be enchanted with it, is a treaſon againſt the State, and the gibbet is not thought too rigorous a puniſhment to expiate ſo black a crime. They have gone ſtill farther, by depriving us of all hope of change, and not permitting us to believe that their ſucceſſors may think differently from themſelves. It is no longer ſufficient to have engaged by the *civic oath* to maintain the Conſtitution; we muſt vow to God and man to maintain it unaltered, ſuch as it ſhall proceed from their all-powerful hands. We muſt ſubmit to death, or ſwear eternally to revere this unfiniſhed, indefinable Conſtitution, though no perſon can boaſt that he has an accurate idea of what it is.

The principle of our evils is then incurable in the ſyſtem of thoſe by whom they have been cauſed; and there is no amendment to be hoped, either from the *Legiſlatures* by which the Aſſembly called *National* ſhall, when it ſeems good unto it, cauſe itſelf to be ſucceeded, or from its own repentance. After it ſhall have completed the voluminous collection of its conſtitutional decrees, future Aſſemblies will not have it in their power to make any alteration in them; or, ſhould they

they be able, conſtituted as they muſt be *, they will not wiſh it; or, ſhould they wiſh it, they will not dare to do it.

Let no one therefore attempt to lull us to an inſenſibility of our preſent evils, by flattering us with the hope of a happier futurity. The preſent ſtate of our affairs is dreadful—it cannot be denied; and the conſequences that muſt follow, unleſs a change of meaſures take place, muſt be ſtill more fatal. This we too evidently foreſee; for events are arrived at ſuch a degree of maturity, that we may diſtinctly read in them all the michiefs that muſt enſue in ſucceſſion. They are inſeparable from a Conſtitution erected on ruinous foundations, incoherent in all its parts, and impracticable in execution. Thus, in proportion as I ſhall demonſtrate, in the courſe of this work, the eſſential defects of the Conſtitution decreed by the Aſſembly, the terrifying perſpective of its conſequences will riſe to view; but, before I proceed to this inveſtigation, I ſhall firſt only conſider the order of facts, and the connexion of what has happened with what muſt inevitably follow.

Nine months have already elapſed ſince the Aſſembly ſolemnly propoſed and required the whole

* From the compoſition of the aſſemblies of electors, we may judge what will be that of the firſt Legiſlature, and muſt ſhudder at the preſage.

whole kingdom to take the oath *to maintain the conſtitution decreed by it, and ſanctioned by the King* *; which certainly ſuppoſed that the conſtitution then exiſted.

Nevertheleſs, three months after, it declared, "that the election of new deputies to the National "Aſſembly could not take place till the conſtitu- "tion ſhould be nearly finiſhed; and that at this "period, which muſt very ſoon arrive, the King "*ſhould be requeſted* to iſſue his proclamation, ap- "pointing a day on which the elective Aſſemblies "ſhould meet to chooſe the firſt Legiſlature †."

We are authorized, therefore, to conclude, ſince we hear nothing of this proclamation, that the conſtitution is not yet *nearly finiſhed*, nor the Aſſembly near to diſſolve itſelf. There is the more reaſon to be convinced of this, ſince it has not yet entered on the great buſineſs of effecting a balance between the receipt and expenditure of the State, the original object for which it was convoked, which it might eaſily have finiſhed a year back ‡, and thus have prevented many diſorders;

* Seſſion of the 4th of February, 1790.

† Seſſion of the 19th of April, 1790.

‡ I ſay a year, rather than eighteen months, to obviate the objection, that the inſtructions of the elective aſſemblies required that the fundamental points of the Conſtitution ſhould be ſettled before the ſubſidies. It will at leaſt be allowed that, ſince

orders; but which now, in conſequence of delay, is become ſurrounded with accumulated and inextricable difficulties.

It muſt alſo be obſerved that, from the decree paſſed the 22d of May laſt (1790), on the *Right of War and Peace*, there is reaſon to believe that, ſhould war take place, or appear *imminent*, the Legiſlative Body, which is then immediately to meet, in caſe it ſhould not be ſitting, would not fail to prolong its ſeſſion, in order to enable itſelf, according to the intention expreſſed in the decree, to judge of the cauſes of hoſtilities, the motives of continuing them, and the proper time for entering into a negociation for peace. But it is too much to be feared that this fatal conjuncture, which will bring on France a new ſcourge ſuperadded to all the preſent michiefs, will ſoon be produced in conſequence of the decree, equally impolitic and abſurd, by which orders have been given to put in commiſſion forty-five ſhips of the line, with a proportional number of ſmaller veſſels *.

Nothing,

ſince the month of October, 1789, the Aſſembly muſt affect with a very ill grace a diſtruſt which it can no longer feel, to authorize it to neglect the object leaſt proper to be delayed.

* May my prognoſtics prove as falſe, as the conſiderations are groundleſs on which was paſſed the decree of the 26th of Auguſt laſt, which I have termed impolitic and abſurd, becauſe it certainly is ſo in every point of view! and I cannot but lament that a ſplendid verboſity ſhould have prevented the dangers

Nothing, therefore, is more uncertain than the time when the preſent Aſſembly ſhall think proper to

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dangers with which it is pregnant from being perceived. An orator who had been leſs a man of wit, and more of a ſtateſman, or even a better logician, would not, after having made an oſtentatious and hyperbolical diſplay of the pacific principles of our national philoſophy, have proceeded to adviſe what alone could enkindle war in the midſt of profound peace: after having rendered homage to the ſentiments of juſtice and loyalty which England manifeſts toward us, after having reprobated the idea that *the Engliſh wiſh to profit by our temporary troubles*, after having affirmed that *it would be a ſacrilege in us to entertain ſuch a thought*, he would not have concluded that we ought to act as if the Engliſh Nation had given us reaſon to conceive ſuch a *ſacrilegious* ſuſpicion, and had intentions which we ought not to impute to it. Should we admit as a theorem, that the politician ought to reaſon on ſuppoſitions in which he himſelf does not believe, are we to deduce from it, as a corollary, that he ought not only to reaſon, but alſo to act, on ſuppoſitions deſtitute of probability, and expoſe himſelf, by uſeleſs preparations for war, to a danger which without ſuch preparations would not exiſt? By what a multitude of paralogiſms has it been endeavoured to be proved, that if the Engliſh do not intend war, they ought not to take exception at our forcing them to incur as great an expence as if they had ſuch an intention; and that they ought to conſider it as perfectly natural and juſt, that ſince the armament fitted out by the Spaniards, with whom they had a diſpute, has obliged them to prepare a fleet of equal force, we, who have no quarrel with either nation, ſhould equip forty-five ſhips of the line at the very moment when there appeared the greateſt reaſon to expect a ſpeedy accommodation of the differences between England and Spain, and every thing ſeemed to concur to diſſuade us from this violent intruſion—uſeleſsly ruinous, if it is not followed by a war—

and

to diſſolve itſelf, aſſign a boundary to its unlimited power, and give place to what it calls *a firſt Legiſlature*.

But

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and dangerous to the laſt degree, if it is; in fine, that they ſhould patiently endure our menacing them with a formidable junction; and, though ready before us, quietly wait till by joining the Spaniſh fleet we had formed a force ſuperior to theirs! Thus ably does our Diplomatic Committee preſume on the weakneſs of other nations; thus does it liſten to the urgent calls of the intereſt of the Nation, which inceſſantly admoniſhes us to avoid, with the utmoſt care, every thing that in our preſent circumſtances may add to the embarraſſment of our internal troubles, the miſchiefs of a foreign war! I ſhall not, at preſent, inſiſt either on the exhauſted ſtate of our finances, the diſorder of our army, or the danger of inteſtine diviſions: I could wiſh that all theſe did not exiſt, and were not notorious to all Europe. But I would aſk our philoſophical Legiſlators and our political Rhetoricians, why they have forgotten the leſſon which Rouſſeau, their maſter, has delivered in theſe words: "To give a form of government to a people, one condition is "neceſſary which cannot be ſupplied at pleaſure, which is, "that they ſhould enjoy plenty and peace; the time in which "a ſtate receives its laws and conſtitution, being, like that in "which an army is drawn up in order of battle, the moment "when it is leaſt capable of reſiſtance, and moſt eaſy to be "deſtroyed.—Should a foreign war take place during this "criſis, the ruin of the State muſt be the inevitable conſe-"quence."

What, then, is the imperious neceſſity which has cauſed them to loſe ſight of this alarming and judicious admonition? What indiſpenſable obligation has prevented them from reflecting, that if the contempt of diſcipline in our land-forces has brought the kingdom into the moſt perilous ſituation, the dan-

But as this time muſt arrive, let us ſuppoſe that, towards the end of this year, the Aſſembly, alarmed,

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ger muſt be ſtill greater, ſhould the ſpirit of revolt, which has infected all the ſubaltern orders, break out in our ſhips of war; and that to put our maritime forces in motion when we are not certain that we can retain the crews of our ſhips in obedience, is to expoſe ourſelves to loſe all our navy? What reaſon can there be for incurring ſuch a riſk, and becoming more adventurous in proportion as we are leſs in a condition to be ſo?

The only reaſon alledged is "the fear (which nevertheleſs "is not felt) leſt England ſhould perceive with diſquietude "(which ſhe has never manifeſted) the increaſe of our forces, "trade, and credit, (the annihilation of which is moſt viſi-"ble), and that by a falſe policy (to which nothing can be "more oppoſite than her whole conduct during eighteen "months), ſhe ſhould wiſh to take advantage of the preſent "circumſtances (which it would be ſacrilege in us to ſuppoſe), "to break a formidable alliance, of which ſhe has often felt "the weight," and of which, in conſequence, we wiſh to make the greateſt parade (to calm her apprehenſions).

This is the only motive aſſigned in the report of the 25th of Auguſt, to induce us "to make a diſplay of our laſt re-"ſources," alledging, at the ſame time, that "it is not our "intention to make this dangerous diſplay, but to take the "moſt proper methods to enſure peace." It is added, that "the nation requires thoſe whom it has choſen to be the in-"ſtitutors of its laws, to provide for the ſecurity of its poſſeſ-"ſions and commerce;" and, to comply with this injunction of the Nation, theſe prudent inſtitutors raiſe up againſt it the only enemy which can attack its poſſeſſions and commerce. To prevent our rivals from making on us, in deſpite of all their

alarmed, perhaps, at the change which daily takes place in the public opinion with regard to it, ſhould

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their proteſtations, " an unforeſeen war, the firſt blow of " which might be fatal to the fortune of good citizens," it has been judged proper to furniſh them with a motive to engage in one moſt eaſily foreſeen, and moſt evidently provoked by an armament without which they would not have had the ſmalleſt pretext for a rupture!

But it is ſaid: " The intereſt of the Nation obliges us to confirm our alliance with Spain, and the only means of preſerving that alliance is faithfully to fulfil our treaties."

Doubtleſs: but, by a double abſurdity, you force us at once to fall ſhort of and to exceed our obligations. 1ſt, Our treaties did not require that we ſhould fit out forty-five ſhips to aſſiſt Spain when ſhe is not at war, and before ſhe has demanded ſuch aſſiſtance. Under this point of view, we do too much, and without reaſon riſk making an enemy.—2d, Our treaties conſiſted in an offenſive and defenſive compact, but we reduce them to be only defenſive; and thus we do too little, by not " faithfully fulfilling our treaties." We forget that this is the " only means of preſerving our alliance with Spain"—So that, heſitating between the fear of drawing on ourſelves a powerful enemy, and the apprehenſion of loſing an ally equally generous and uſeful, we have found the way to offend the one without ſatisfying the other.

There was, however, a very ſimple method by which all this difficulty might have been avoided. Inſtead of announcing to the world, in the extraordinary manner we have done, that " all the treaties precedently concluded by the King of " the French ought to be fulfilled by the Nation, till it ſhall have

 " annulled,

ſhould at length reſolve to cauſe its ſucceſſors to be elected, and remit into their hands the depoſit of

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" annulled, altered, or modified them*," as if they were obligatory only ſo long as it ſhould think proper to obſerve them, it would have been much more natural to have ſaid to Spain: 'France reſolves to be faithful to all her engagements, and 'you have no reaſon to fear that ſhe ſhould fail to perform 'what her treaties with you require from her; but haſten to ter-'minate your differences with England by an amicable accom-'modation. Your ſituation is not well adapted to war; ours 'is eſpecially unſuitable to it; nor does the object in queſtion 'merit to be diſputed by fleets and armies. You have con-'ceded the ſatisfaction which was deſired: what remains to 'be diſcuſſed, by the correſpondence of the cabinet, or by 'the way of arbitration, as you have propoſed, does not re-'quire that each ſide ſhould continue armed. The Govern-'ment of Great Britain is too wiſe and juſt to wiſh to ſet all 'Europe in a flame on account of ſome fiſheries, which both 'it and you muſt eſteem as of but very inconſiderable impor-'tance.'

Such would have been the language of the true friends of humanity and reaſon. The Court of Madrid, which only aſked from France a declaration of her intentions relative to the Family Compact, could not have complained of an anſwer which expreſſed no departure from that compact, and which nevertheleſs would not have prevented its being afterward, by common conſent, limited by the reſtrictions of which it is ſuſceptible. The Court of London, confirmed in its pacific diſpoſitions by the wiſh for peace which ſuch a conduct would have

* Page 5 of the report made to the National Aſſembly, in the name of the Diplomatic Committee, in the Seſſion of the 5th of Auguſt, 1790, by M. Mirabeau the elder. It is in this ſame report that the other paſſages which I have cited are to be found.

of legiſlative power, what would then be the ſituation of the kingdom, and what might we expect it to be in future?

To

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have manifeſted on our part, would not have ſuffered itſelf to have been ſurpaſſed by us in the ſpirit of juſtice and conciliation; it would not then have had any reaſon to have required from Spain ſo ſpeedy and definitive an anſwer as it may now demand from her; and the negociation relative to the points yet to be ſettled would have followed its natural courſe, without ſhock, without acrimony, and without thoſe urgent demands, which, with a nation highly tenacious of punctilio and its honour, may quickly degenerate into cauſes of rupture.

At preſent, if we preſerve peace, as we muſt ſtill hope we ſhall, we muſt be indebted for it to an extreme prudence on the part of the Court of Madrid, and the greateſt moderation on the part of that of London. Should war enſue, it will be the effect of that fatality which has delivered our political government into the hands of men, deſtitute of the knowledge and qualities neceſſary to enable them to direct the reins of the State. Preſumptuous reaſoners on ſubjects with which they are leaſt familiar, they imagine that, without poſſeſſing or being capable of acquiring a knowledge of the ſpirit of foreign Courts, or of what is tranſacted in them, they may be able to regulate at their pleaſure the intereſts of the Powers of Europe by weighing them in their philoſophical balance. They declaim, in high-ſounding and empty phraſes, on the *fraternity of nations, the confederation of the human race, the univerſal benevolence which prepares the way for the recognition of the rights of nations*; and on *our diſpoſition to demoliſh our fortreſſes, diſband our army, and burn our fleets, if it ſhould be neceſſary to ſet the example, in order for ever to deſtroy the germ of wars:* This appears to them ſufficient to preſerve France from the conſequences of their erroneous conduct; and already their heated imagination

To reſolve this queſtion, it will be neceſſary to know what meaſure of power will be granted to the

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views *the moment approach in which Liberty, reigning without a rival over the two hemiſpheres, ſhall abſolve the human race from the crime of war, and proclaim univerſal peace*; already they behold themſelves *ſubjecting the whole world to Truth, Moderation, and Juſtice*; already they exclaim :—*What need will Europe have of the arts of politics when it ſhall no longer contain either deſpots or ſlaves? What need will France have of allies when ſhe ſhall no longer have enemies?*

Such is the ſingular language of our Diplomatic Committee; ſuch are the reveries which its reporter preſents to the Nation, at the ſame time that he plunges it into the danger of a calamitous war! He wiſhes not this war, yet he wiſhes thoſe preparations which alone can occaſion it. What had we to fear? —*That we ſhould be attacked in our diſtant poſſeſſions ſcattered over the two hemiſpheres?* But why, when we require that others ſhould have faith in our principles, though contradicted by our actions, ſhould we ſuſpect as perfidious the proteſtations of a Nation which we ourſelves ſtyle *our elder ſiſter in public ſpirit*; and which, *far from taking an undue advantage of our inteſtine commotions*, has been ſolely occupied, ſince the moment they began, with the care of preſerving the peace of Europe? Has the Cabinet of St. James's ever been ſeen to kindle the flames of diſcord among the Powers at war, with a view one day to profit by their exhauſted State? has it been ſeen to caſt a wiſhful eye on the fine country of the Dutch Republic, and project to acquire it by ſervices of which it might become the price? has it been known to foment the inſurrections in our colonies, and endeavour to detach them from us to obtain an indemnification for the loſs of America? In fine, do we perceive the minuteſt indication which authoriſes us to accuſe it of having circulated in France the money employed to excite diſſenſion,

the new Aſſembly; whether it will inherit all the uſurpations of the preſent; whether, like that, it

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diſſenſion, ſince the National Aſſembly may very eaſily know the authors of this corruption, and the funds which have been appropriated to it?

If our very novel Stateſmen and Lawgivers were better informed, I will not only ſay of the generous ſentiments of the Monarch whoſe government England bleſſes, and the principles of the ſage Miniſter who acts under him, but even of the true advantage of that kingdom, and thoſe who govern it, they would have been far from attributing to it hoſtile intentions, to which its intereſt, rightly underſtood, is abſolutely repugnant. Why ſhould England wiſh to overthrow the government of France, or attack her poſſeſſions?

Can it be to ſeize on one of her provinces, and found a dominion on the Continent? Great Britain is too wiſe not to perceive that ſuch a chimerical project, even if ſucceſsful, would be productive of more miſchief than good; and that it would be dearly to purchaſe the ſeed of an eternal war.

Can it be to make a conqueſt of any of our diſtant ſettlements? She knows that thoſe ſhe poſſeſſes are ſufficient for her, and has experienced that ſhe has loſt nothing by a diminution of their extent: why then ſhould ſhe wiſh to enlarge them by an act of injuſtice? The great riches ſhe derives from her Colonies come from India, where ſhe has no increaſe of power or territory to wiſh, nor any injury to fear, eſpecially ſince our impolitic conduct has ſuffered that connexion to eſcape us which might again have rendered us formidable in that part of the world.

Can it be to extend her commerce on the ruins of that of France? But her own is at the higheſt ſummit of proſperity,

it will ſeize on the helm of the State; or what it will become if that ſhould be again confided to the

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and to complete the ruin of ours ſhe has only to ſuffer the Aſſembly to proceed as it has begun. The only danger which Engliſh manufactures have to fear is a want of purchaſers: England muſt therefore rather dread than wiſh the ruin of a kingdom in which they find the moſt extenſive ſale.

Laſtly, can it be from the conſequences of an ancient hatred, or from reſentment for a wound which yet bleeds, or from jealouſy of our future proſperity, that England wiſhes to ſeize the opportunity to complete our ruin?—From hatred? Ought we ſtill to believe in the effects of thoſe national hatreds which perhaps never had any influence in political events? If rivals hate, it is when they fear; and ours have but too much reaſon to pity us.—From reſentment? This might very reaſonably be expected: but had England been actuated by reſentment, ſhe would have taken a decided part ſooner; and the fact proves, that this paſſion is extinguiſhed by more noble ſentiments, or vanquiſhed by attention to an important intereſt. More is certainly to be gained by trading with France, than by making war on her.—From jealouſy? I cannot pronounce the word from fear of exciting one of thoſe ſarcaſtic ſmiles which I witneſſed when the decree containing our renunciation of conqueſts appeared. But, though we ſhould admit that England has at preſent reaſon to take umbrage at the increaſe of energy and power which a free and patriotic Conſtitution may hereafter procure us, does it follow that the convulſions that accompany the painful birth of this Conſtitution, muſt excite her to arm with all her forces to aggravate our diſtreſs, and deprive us of the hope of happineſs? Can a project ſo barbarous be reconciled with the loyalty of her national character, or with the ſenſe and knowledge of a People accuſtomed to reflexion? Is ſhe ignorant that to kindle the

the hand of the king; and if that Monarch, equally unfortunate and beloved, ſhould at length be reſtored to liberty, and reſume the exerciſe of his rights.

If we judge only from the principles of the Aſſembly, we muſt believe that that which ſhall ſucceed it, will be reduced ſolely to the legiſlative functions; and that the pretexts on which the preſent has aſſumed the right of confounding in itſelf all the different powers of the State, will diſappear with the title of *National Convention*, which it does not propoſe to tranſmit to its ſucceſſors. But the time when each of theſe powers ſhall again reſume its rights, and be confined

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the flames of a foreign war, is to extinguiſh the torch of inteſtine ſedition? Knows ſhe not that Rome owed her ſtrength to her rivals; that the time of the exiſtence of Carthage was that of her greateſt vigour; and that her decline commenced when the Coloſſus of her power had cruſhed beneath it all her enemies; and that, in general, a great empire has need to have another great empire for its neighbour, to maintain its vigilance, and exerciſe its patriotiſm?

From all theſe reaſons I have been convinced, from the firſt beginning of the French Revolution, that there was no reaſon to diſtruſt the intentions of England; nor can I entertain the leaſt ſhadow of a doubt, ſince the perſons moſt able to influence the conduct of the Nation have appeared to me to think the ſame. How was it poſſible I ſhould ſuſpect their ſincerity? I have now paſſed three whole years in England, and have never been deceived by a ſingle Engliſhman.

confined within proper limits, is preciſely that when we ſhall perceive to what a degree theſe rights and theſe limits have been miſtaken and confounded; the difficulties which have been for a moment repreſſed by a tyrannic violence, will riſe in multitudes the inſtant that violence ſhall be removed, and embarraſs all the motions of the body politic. The executive power, ſhackled in all its functions, and deprived of all its activity, will be unable to re-eſtabliſh itſelf, but by the revocation of thoſe decrees which have rendered it null; the judiciary power, from defect of conſiſtence, and that authority which inſpires awe, will be unable to fulfill its object; and the legiſlative body, abſurdly confined by the obligation, impoſſible in effect, of executing decrees contradictory to each other, and incompatible with every ſpecies of government, will find itſelf compelled to paſs the limits preſcribed to it, and to attempt to rebuild from the foundation an edifice which it muſt perceive to be falling to ruin on every ſide. But as, by its inſtitution, it will not poſſeſs the requiſite power, its attempts will but increaſe the diſorder; and its very endeavours to repair former errors muſt again plunge France into a new chaos.

It cannot be ſuppoſed that the Aſſemblies of this new legiſlative dynaſty will long ſubmit to be national in one ſenſe and not ſo in another. Following in the footſteps of that which aſpires to be

be ſingle in its kind, it will be very difficult for them not to wiſh to purſue the ſame track, or to ſuppoſe that, delegated like that by the nation, and even, according to its own doctrine, more conſtitutionally, they have received leſs authority; nor can we doubt but that, one day or other, inſtructed, by ſo great an example, that, to acquire the right of erecting themſelves into a *National Convention*, it is only requiſite to imagine they hear the *alarm-bell of neceſſity*, and ſee the glare of *bayonets*, they will alſo find an opportunity to avail themſelves of this right. *

In this caſe, what will become of the immutability of the conſtitution? What will become of the kingdom, toſſed from ſide to ſide with increaſing violence by diſcording legiſlatures?

What has been ſaid, is ſufficient to evince that the preſent confuſion cannot lead to a happier futurity; but this will be more ſatisfactorily demonſtrated by a diſplay of the eſſential defects which render the principal operations of the Aſſembly entirely indefenſible.

I ſhall diſcuſs them one after the other, beginning with the article of Public Finances, which ought

* See the ſpeech of M. Mirabeau the elder, of the 19th of April, to which I ſhall again advert hereafter.

ought more particularly to engage the attention of the repreſentatives of the nation, as being that on which the condition of the people moſt immediately depends, and of which the ramifications are moſt widely expanded through the body politic. However little the progreſs may be that has been made in the labour begun on this ſubject, it is eaſy already to foreſee the iſſue, and to judge in what condition the finances will be when the preſent Aſſembly ſhall reſign the management of them to the firſt legiſlature, and what may be expected from the latter relative to this article.

The ſtate of the finances has become ſo much worſe in conſequence of the dogmas and operations of the Aſſembly, that it is impoſſible it ſhould be remedied by the preſent Aſſembly, or by that which ſhall ſucceed it, ſhould the ſame operations be purſued, and the ſame dogmas ſuffered to ſubſiſt.

THE ASSEMBLY which hitherto has been only occupied in providing for the moſt urgent neceſſities, by employing extraordinary meaſures, the effect of which, whatever it may be, can never extend to the principle of an habitual diſorder, will no doubt be deſirous, before it diſſolves itſelf, to appear, at leaſt, to have extended its views to an object ſo important; and it is to be hoped that the united labours of its different Committees will be

be able to produce ſome regulation tending to eſtabliſh a balance between the ordinary revenues and the ordinary expences.

But in what manner will the Aſſembly perform this indiſpenſable taſk? Will it ſay to the Nation: "To comply with your wiſhes we have firſt liquidated all the public debts, and have provided for the payment of them by legal, which are the only certain, means?"

We have afterwards aſcertained the amount of the ordinary expences, after all poſſible reductions have been made, and conſidering as ſuch only thoſe retrenchments which are conſtantly productive of a real œconomy. Theſe amount to the ſum of . . . . . .

Laſtly, we have regulated the ſtate of the ordinary revenues proportionably to that of the expences, and in ſuch a manner that there remains a ſurplus proper to maintain order, and conſtitute a fund of ſucceſſive redemption. This ſecond ſtatement amounts to the ſum of. . . . . .

To produce this ſum, the real or territorial impoſt, or land-tax, aſſeſſed on all lands in a certain proportion to their reſpective produce, will amount to . . . . . .

The tax on perſonal property, aſſeſſed by the adminiſtrations according to a certain rule, which ſhall

ſhall preclude its being arbitrarily levied, will amount to . . . . . .

The indirect impoſts, or cuſtoms, payable by certain commodities, and levied in ſuch a certain mode, will amount to . . . . . .

Should we ſee ſuch a ſtatement appear, with all the neceſſary details and accurate calculations, the public itſelf would be able to judge of the poſſibility, or rather of the impoſſibility, of its being carried into execution.

But we ought not to expect that the labours of the Aſſembly will end with ſo preciſe a concluſion. It is much more probable that, through fear of too clearly manifeſting to this unhappy people, intoxicated with hope, the enormous increaſe of charges which it will be neceſſary to ſupport, in taxes of the moſt burthenſome kind, it will be unwilling to diſplay to view the immenſity of the chaſm which, for a year paſt, has widened more and more, and the profundity of which has never been exactly aſcertained. On the one hand, it will be contented to preſent a ſtatement of the annual expence from the retrenchments that have been decreed without a proper appreciation of their effects, and without a certainty that they will not be in a great degree illuſory; and on the other, it will vaguely determine the different kinds of taxes, and their amount in the groſs, without fixing

fixing the quotas of each kind, or the proportion in which they ſhall be levied; leaving to the adminiſtrations of the ſeveral departments the care of aſſeſſing and collecting them as they ſhall be able.

That done, the Aſſembly will declare that the great work of the regeneration of the State is finiſhed; and, leaving the kingdom in dreadful confuſion, will pretend to have claims on the gratitude of the public. What then can be done by its ſucceſſors, deprived of the power of re-eſtabliſhing what it ſhall have deſtroyed, and charged with the impracticable execution of what it ſhall have preſcribed? Muſt it not be long before they can render complete and effective, throughout the kingdom, levies of taxes of which the effect has not been tried, nor the mode received the ſeal of experience, and which muſt abound with unforeſeen difficulties? Will they reſtore to the executive power, enervated as it is, and deprived of immediate agents, the impoſſible duty of levying by force, from men with arms in their hands, and emboldened to aſſert their independence, immediate taxes, enormouſly augmented, and which, though it might be demonſtrated by comparative calculations, that they do not make the people pay more than they formerly paid, muſt yet appear to them more heavy than the ancient contributions, were it only becauſe they will be new and unuſual? On the other hand, how will it be poſſible to reſolve all the queſtions, obviate

all

all the objections, and remove all the difficulties which the new diviſion of the kingdom muſt occaſion? How may means be found to ſupply the deficiency of ſpecie, and counteract the ſuper-abundance of fictitious value, which will cruſh circulation? Laſtly, ſhould war unfortunately enſue, to complete this long liſt of evils, what extraordinary reſources can be found in a kingdom without money, without commerce, without credit, and of which all the ſprings are already ſtrained beyond all meaſure?

Under all theſe points of view, the taſk which the preſent Aſſembly will leave to the ſubſequent legiſlature will be above the utmoſt powers of the human mind. It will be a tiſſue of impoſſibilities, which ſeem not to have been ſuſpected, but which muſt ſoon be diſcovered, while at every ſtep that ſhall be taken in the new adminiſtration, inſurmountable difficulties muſt be met with, not one of which had been foreſeen. Inexperience is unacquainted with doubt: ſimple, bold, and deciſive projects will always appear to it admirable. Their advantages, calculated upon paper, ſeem to be clearly demonſtrated; and their inconveniences eſcape every perſon who has not an eye accuſtomed to diſcover them. To appreciate them, it is not even ſufficient to conſult thoſe whom we call *gens de la choſe*, or men of official buſineſs; for, beſides that theſe may have an intereſt in perpetuating abuſes, the greater number of them have only

only a clear view of that ſide of the queſtion which has a reference to their particular department; whereas it is only by diſcerning at once all its parts and relations that a judgment can be formed of the general effect. This ſcience of ſuperior adminiſtration, which is only to be acquired by habit, and perfectly attained in poſts which afford a diſtinct view of all objects, and the aſſiſtance of every requiſite light, no doubt appeared of ſmall importance to the Aſſembly appointed to reſtore order to the finances; ſince thoſe who compoſed it, not finding among them any perſon who had paſſed through the ſucceſſive offices of adminiſtration, and ſerved a kind of apprenticeſhip to the art, have not had recourſe, to ſupply this defect, to any conſultation from which they might derive information, nor ſought to produce any diſcuſſion between men who may be called *emeriti* in the finances, a term which is not ſynonymous with banker, clerk of office, or œconomiſt. Is it not inexpreſſibly ſtrange that, in an Aſſembly which declares itſelf appointed to new-model the adminiſtration of government in all its branches, there ſhould be a prodigious number of curates, advocates, and practitioners in the law; many ſoldiers, many men of letters, academicians, phyſicians; ſome magiſtrates, bankers, merchants, farmers; but not a ſingle Adminiſtrator, not one of the Members of the Council who have exerciſed the functions of Intendant of the provinces, nor one of thoſe who have been at the head of any department of the finances?

Foreigners who ſhall read this Work will ſcarcely believe what I have aſſerted: they will not conceive it poſſible that a lively and intelligent Nation, which piques itſelf on wiſhing to inſtruct the world, ſhould be ſo inconſiderate as to confide its deſtiny to men who have not for a ſingle moment of their lives been exerciſed in the art of governing a State, or that theſe men, though they inceſſantly acknowledge that the finances of the kingdom are become a labyrinth in which they can only grope their way, have not ſought any guides among thoſe who have a local knowledge of its mazes; in fine, that though there are in France many men verſed in every thing that relates to taxation, and formed by their ſituation to a practical knowledge of the adminiſtration, among whom there are ſome who certainly poſſeſs great abilities, the Aſſembly which has undertaken to regulate the whole adminiſtration on a new plan, not only has not ſought the aſſiſtance of any one of them in its labours, but has diſplaced, baniſhed, and reduced them all to ſilence. This, nevertheleſs, is a certain fact; and it was neceſſary that I ſhould remark it before I proceeded to ſtate the preſent and future ſituation of the finances, with ſuch particulars as this preliminary obſervation can alone render credible.

It is only by conſidering in what manner the great majority of the Legiſlative Body is compoſed, that we can conceive that, though among the number

number of eight or nine hundred Members, which it ſtill contains, there may be eight or nine perſons who, with conſiderable abilities, have, for a year paſt, made every effort in their power to initiate themſelves in matters foreign to their former ſtudies, and their way of life, yet every thing has been done, or ſuffered to be done, which evidently tended to the increaſe of the diſorder; and the conduct of the Aſſembly has been an inceſſant fluctuation from error to error; that, dating from the firſt diſcourſe pronounced by M. Necker, on the day of the ſolemn opening of their firſt ſeſſion, they have acquieſced in the moſt inaccurate accounts, the moſt illuſory ſtatements, and given their approbation to propoſitions the moſt ruinous to the State. They have been ſeduced by projects rejected twenty times by the Miniſters to whom they had been preſented, and have taken for the foundations of their firſt ſpeculations, hopes which, if they are not abſolutely chimerical, at leaſt are ſo with reſpect to the time in which they flatter themſelves they ſhall be able to realiſe them, and the means which they employ for that purpoſe.

Of this latter kind was the project, extremely good in itſelf, but exceſſively difficult to execute, and moſt immature at the preſent moment, of dividing the entire maſs of the contributions among all the departments of the kingdom, in quotas exactly proportionate to their abilities to contri-

bute. When the State enjoyed tranquillity, when public authority poſſeſſed all its energy, when the ſovereign commands, emanating from a ſingle principle, and directed to one ſame end, operated with concord and unity; in fine, when ſubordination yet exiſted in France, ſome ineffectual efforts were made to balance with exactneſs the territorial contributions of the different provinces, and to diſtribute them among them in proportion to their productions and reſpective riches, of which but a very imperfect knowledge has ever been obtained. There ſeemed to be only one ſingle method which could be employed with promptneſs and efficiency, and this I propoſed to the Notables; but, as it aboliſhed privileges, it was rejected. At preſent, without guidance, without knowledge, without effective authority, without the co-operation of immediate agents, without diſpoſition to obedience on the part of thoſe on whom the contributions are to be levied, will it be poſſible to effect what with all theſe could not be done? Can it be effected in the midſt of an effervescence which diſtracts every head, and ſubverts all ideas? Can it be effected at the moment when the maſs of the heavieſt taxes, and thoſe moſt difficult to portion out, thoſe which are levied on land, muſt be immenſely increaſed, to ſuffice for the indiſpenſable ſupplies of deficiencies, while the people expect only a diminution and abolition of their taxes?

It is true, that the adminiſtrations of the departments, and other local adminiſtrations which will gradually be inſtituted ſubordinate to them, will, if they are well conſtituted, and when they ſhall be in full action, greatly facilitate the aſſeſſing and levying of the general contributions. But it muſt firſt be neceſſary that they ſhould be ſettled on a firm foundation, and admit of no diſpute with regard to their reſpective extent. The delirium of equality, and the ſpirit of independence, which now reign from one end of the kingdom to the other, under the ſpecious name of Liberty, muſt not diſorder the internal management of theſe aſſemblies, diſturb their reciprocal relations, or inceſſantly engage them in conteſts with each other. It will, beſides, be requiſite that harmony and concord ſhould reign between the eighty-three departments into which the kingdom is now geometrically divided; that theſe eighty-three departments, ſcarcely formed, and very imperfectly inſtructed in their new limitations, forgetting on a ſudden their ancient conſtitution, the cuſtoms which were dear to them, the particular advantages which they enjoyed, the laws peculiar to each province, which many of them pride themſelves on having preſerved for ages, ſhould, from this time, make no difficulty to accede to a ſyſtem of abſolute uniformity, which ſuffers no diſtinction to ſubſiſt; and that neither oppoſition of intereſt, diſagreement in opinion, or even in language, nor any other differences, either phyſical or moral, which naturally

diſunite them, ſhould occaſion among them fatal diviſions ſufficient to overturn every thing. This danger is the more formidable, as the diviſions ſubſtituted for the provinces forming at preſent bodies of people with arms in their hands, and commanding themſelves, it is to be feared that each of them will endeavour to do itſelf juſtice, that they will fight with each other as often as they ſhall be unable to agree; and that, as a ſingle example of theſe inteſtine wars may enkindle a general flame, this fair kingdom, of which the undivided maſs under the government of a ſingle head was ſo beauteous and noble, may ſoon become only a feeble aggregate of petty republics inceſſantly diſagreeing and without ſubordination.

Nothing could be better imagined, or more capable of being productive of the greateſt utility, than the eſtabliſhment of provincial adminiſtrations, as it was conceived and adopted by the King: but the beſt inſtitutions may give an opening to the moſt pernicious abuſes, when they are detached from the whole to which they ought to appertain, and placed on a defective foundation; in like manner as, in the organiſation of an animal, the parts which have the beſt conformation periſh and putrify if they loſe their connexion with the reſt, and are deprived of that vital principle which ſhould animate the whole body. Thus the Aſſembly, even in decreeing regulations which have long been acknowledged to be deſirable, has produced a general diſ-

order

order through the whole machine. Good, when it is ill done, degenerates, and is changed into miſchief.

But let us fully open the book of our deſtiny, and conſider more circumſtantially what we may already diſcern of our future fate, by directing our attention firſt to the article of the public finances; and, to judge whether it may be poſſible to levy, beſides the ſubſiſting impoſts, a general contribution equivalent to all that ſhall be found wanting in the fixed revenue compared with the fixed expences, let us examine what ought to be the amount of this contribution in proportion to the void which it is to fill.

The annual deficiency, which we might reaſonably have believed to have been entirely and more than done away, in conſequence of the œconomical retrenchments of every kind decreed by the Aſſembly, has, on the contrary, ſince that Aſſembly has held the reins of government, increaſed to an amount which muſt appear incommenſurable, if we conſider the enormous differences, the frequent contradictions, and the continual variations, which are found in the ſtatements that have been given of it, at different times, either by M. Necker, or the Committee of the Finances. The Aſſembly, inſtead of beginning by determining this amount, and cauſing the documents neceſſary to aſcertain it, to be laid before them, have ſuffered the ideas they

might have of it to be rendered more and more perplexed by an incomprehenſible complication of incomplete accounts and hypothetical reſults, and have themſelves rendered theſe more and more fluctuating by operations which have corrupted all the ſources of public revenue, and clouded over every part of the expenditure with uncertainty.

The only method to unravel this complicated knot, and arrive at a knowledge of the true ſtate of the finances, is to aſcertain, firſt, what was *the old deficiency*, or that which exiſted prior to the meeting of the Aſſembly; 2dly, what is the new deficiency, compoſed of the diminutions of revenue and augmentations of expence, after the œconomical ſavings have been ſubtracted; 3dly, what may be expected to be the reſult of the means by which the Aſſembly propoſes to remedy this diſorder. A careful and minute diſcuſſion of theſe articles will ſhow how widely we have wandered from that goal to which we ought to have directed our courſe.

The Old Deficiency.

ACCORDING to the ſtatement of the account given to the Notables in 1787, the deficiency amounted to one hundred and fifteen millions of livres; but this was by including in the annual expence reimburſements to the amount of fifty-eight millions, of which

which fifty-three were at ſtated periods.—In the account given in by Government in March 1788, this deficiency has been conſidered as being only about fifty-five millions: but this was by omitting theſe ſame reimburſements, which in fact preſented only an ideal diminution.—In May 1789, when M. Necker, at the opening of the States General, gave in a new ſtatement, he declared that *the ordinary deficiency was then reduced to fifty-ſix millions*; and this word *reduced* had on the ill-informed public all the effect that was expected from it. It was no longer remembered that his predeceſſor, by ſubducting from the expenditure the reimburſements at ſtated periods, had already brought down the amount of the deficiency to fifty-five millions; nor was it conſidered that to carry it up to fifty-ſix the following year, was to have augmented rather than reduced it. Deceived by the fallacious language of M. Necker, the public aſcribed to *the rigid exactneſs* with which he boaſts to have *managed the Royal Treaſury*, what was indeed the ſimple effect of a different manner of claſſing the ſame things; and the Aſſembly roſe, perſuaded that the deficiency was really diminiſhed, becauſe he had affirmed it was; while, with more attention and leſs credulity, it might eaſily have been perceived that it was, on the contrary, increaſed by one million two hundred and fifty thouſand livres ſince the account given in the preceding year, by M. de Brienne; an increaſe which muſt be eſteemed ſurpriſing, when we conſider how many

many retrenchments of expence had been effected during that interval.*

However this may be, if we attend to the account of the deficiency, ſuch as it was given in at the time of the firſt meeting of the Aſſembly, it ought to be conſidered as being then but - - - - - - - - - - - - - 56,230,000.

It is neceſſary, however, to remember that it would have amounted to double that ſum, if the reimburſements at ſtated periods, which will be becoming due for ten years to come, had been included in the annual expenditure, as they would have been, if the engagement to diſcharge them at the times aſſigned had not been broken.

New

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* It is impoſſible to underſtand the calculations of theſe gentlemen. According to M. de Brienne, the diminutions of the expenditure and the augmentations of the receipt effected at the time when he ſtated his account, already amounted to thirty-ſix millions: according to the diſcourſe of M. Necker at the opening of the States General, about twenty millions more had been gained from the time of his re-appointment to the miniſtry. There was, therefore, if we believe them both, fifty-ſix millions of bonifications effected from the month of May 1787, to the month of May 1789. But if to theſe fifty-ſix millions of bonifications, we add the amount of the reimburſements which have been ſuſpended and ſet aſide, we ſhall have a total equivalent to the old deficiency. Conſequently, at the time when M. Necker made a merit of having reduced the deficiency to fifty-ſix millions, it ought to have been entirely annihilated.

New Deficiency, conſiſting of the diminutions of receipt and augmentations of expenditure which have taken place ſince the meeting of the Aſſembly, ſubtracting the produce of the œconomical reductions.

The ſuppreſſion of the *gabelle*, which, with the acceſſary *ſols per livre*, produced ſixty millions of livres, has cauſed in the revenue a void to that amount: I ſhall hereafter ſpeak of the manner in which the place of this tax is to be ſupplied, which is not yet ſettled. At preſent I ſhall only conſider the loſs occaſioned by its ſuppreſſion, which is about - - - - - - - - - -	60,000,000
The produce of all the other taxes has ſuffered a diminution; and, according to the valuation given by M. Necker, in his *Obſervations* at the end of March 1790,	
The loſs on the produce of the ſales of tobacco is 800,000 livres per month, and, conſequently, per annum* - - - - - - - - - -	9,600,000
The	69,600,000

* This loſs would be much more conſiderable, if the propoſition made by the Committee of Taxation to render free the culture, fabrication, and ſale of Tobacco, ſhould be adopted. The loſs would then be more than twenty millions.

Brought over - 69,600,000

The loſs on the entrance-duties of Paris is 700,000 livres per month, or, per annum - - - - - - - 8,400,000

The loſs on the produce of the *aides* is ſeven million two hundred thouſand livres; to which muſt be added the entire loſs of the produce of the duties on leather, oil, and ſoap, of the iron-ſtamp duties, and others which have lately been ſuppreſſed, which together amount to nine millions, making in the whole 16,200,000

The loſs on the duty of *franc-fief*, or free-manor, and ſeveral other loſſes of the ſame kind, which have taken place ſince the calculations of M. Necker; ſuch as that of the manorial fines, *bannalités*, tolls, new acquiſitions, and redemptions, &c. the duty of the third denier in Lorraine, and thoſe of fourteen deniers, or ſix deniers per livre, on the ſale of the timber of eccleſiaſtics and perſons in mortmain, and other domanial duties; as alſo the loſs of the recovery

94,200,000

Brought over -	94,200,000
recovery of thoſe judiciary expences which were to be at the charge of the lords of manors: all theſe loſſes making, per annum, at leaſt - -	3,000,000
M. Necker had added to the preceding article the loſs which had been then ſuſtained on the *marc d'or**, and on the eſcheats: but this loſs is become almoſt the total of their produce, by the ſuppreſſion of the ſale of offices, which draws after it that of all the duties of mutation, the hundredth penny, &c. and by the abolition of all the duties on the freedoms of corporations, the point of honour, &c. It follows, that two branches of the revenue, one of which formerly amounted to four millions of livres, and the other to one million eight hundred thouſand, are reduced to be only worth about five hundred thouſand, and that there is an annual loſs on the whole of -	5,300,000
The	
	102,500,000

* The *marc d'or* is the name of that tax which is levied upon the new incumbent on every alienation of ſaleable offices, and which varies according to the offices on which it is laid. T.

Brought over -	102,500,000
The annihilation of the courts of juſtice and all their dependencies has alſo occaſioned ſeveral other kinds of loſſes on the produce of the adminiſtration of domains; as on the duties on regiſtering and ſealing, the ſtamp-duty, and the duties on the forms of judiciary acts, which was an object of more than five millions; thoſe on writs of ſummons and ſub-pœnas, which produced three and a half; and thoſe ariſing from the receipt of the intermediary ſalaries of all offices vacant by death or otherwiſe. The whole may be eſtimated at - - -	5,000,000
The loſſes on the adminiſtration of the gunpowder mills, and that of the coinage, are eſtimated by M. Necker, together, at a million of livres for ten months; conſequently, per annum,	1,200,000
The loſs incurred by the regulations concerning the Royal Lottery* -	4,000,000
To	112,700,000

* The Aſſembly having given a favourable reception to the project of one day ſacrificing this moſt immoral revenue, it ſhould ſeem that I might already entirely retrench it from the ordinary revenue, and, conſequently, reckon the diminution at fourteen millions of livres.

Brought over -	112,700,000
To theſe muſt be added the diminution on the produce of the *traites**, or tranſport-duties, which, at the leaſt, amounts to - - - - - -	6,500,000
Total of the diminutions of the revenue, eſtimated at the loweſt -	119,200,000

I here make no mention of the diminution in the produce of the immediate taxes, ſince the object to be conſidered is what they will produce in future.

We muſt now add to this ſum of a hundred and nineteen millions all the new expences occaſioned by the National Aſſembly, or reſulting from its operations, reſerving afterwards to ſubduct from it the produce of its œconomical ſavings.

Increaſe of the Expenditure.

1ſt. We find, from the Memoir of M. Necker, read to the Aſſembly on the 6th of March laſt†, that the amount

* The decrees which received the ſanction of the Aſſembly on the 30th of March 1790, declare, Art. 3, that the duties of *traite* on the tranſport of ſalt, for the free and redeemed provinces, brought into the public treaſury ſix millions of livres. Thus, I only reckon, in addition to this loſs, five hundred thouſand livres for the diminution of the ſurplus of the duties of *traite*, that all my eſtimates may be rather below than above the truth.

† Page 32 of the edition in 4to.

amount of the intereſt and funds of reimburſement annexed to the loan of eighty-nine millions, made in the month of Auguſt 1789, and the annuities given to the Caiſſe d'Eſcompte, have increaſed the annual charges by ſums amounting together to - - 12,100,000

(This it is which occaſioned him to ſay, that the deficiency had, in conſequence, increaſed from fifty-ſix millions to ſixty-eight millions one hundred thouſand livres.)

2d. The charge of the National Aſſembly forms a new article of expence, which I ſhall ſtate much below what it at preſent is. When the Aſſembly conſiſted of twelve hundred deputies, their ſalaries, fixed at eighteen livres, amounted to twenty-two thouſand livres per day: as it is at preſent diminiſhed by one third, this expence is reduced to about fifteen thouſand livres for each day: but as hereafter there will be only four months ſeſſion, and only ſeven or eight hundred Deputies, I ſhall eſtimate this article, including all the expénces incident to the promulgation

Brought over -	12,100,000
mulgation and printing of decrees, meſſages, &c. only at the ſum of*	2,500,000

3d. It would be difficult to aſcertain the annual expence of the National Guard throughout the whole kingdom. It is affirmed, that the Guard of Paris alone will coſt, for this firſt year, eight millions; but I imagine that this expence will be diminiſhed. That of the National Guards in the provinces is an object more conſiderable than will be ſuppoſed, if we confine our attention to the circumſtance of their not being paid. What the town-guards in different places receive and conſume when they are on duty, the coſt of their arms, their maintenance, the powder, ball, or other ammunition diſtributed

 14,600,000

* In the laſt Memoir of M. Necker, ſent in at the moment of his departure, I find that he reckons "ſix millions per "annum for the expences of the Aſſembly and the Supreme "Courts:" but as I have not a clear idea of what he means by the Supreme Courts, I ſhall not at preſent avail myſelf of this eſtimate, as I am unwilling to admit any thing into my ſtatement which may appear doubtful.

Brought over - 14,600,000

buted to them, and all the numerous idle acceſſary expences, amount, by an enormous multiplication of extremely ſmall ſums, to a total which would not be exaggerated if eſtimated at ten millions*. This would make, at the firſt ſtatement, eighteen millions for the whole; and I ſhould have good reaſon to maintain, that we ought not to ſubduct from this ſum the part of the expence of the National Guard in the provinces, which will be paid by the municipalities, ſince every new expence which muſt neceſſarily fall upon the people ought to be included in the calculation of the public charges. I ſhall, however, reduce this article to the half, and here only ſtate it at - - 9,000,000

4th. M. Necker, in the ſame part of his Memoir, which I have juſt cited,

23,600,000

* I ſuppoſe, from the calculations of the Members of the Aſſembly, that the National Guards amount to about nine hundred thouſand men, with arms and uniforms: the expence of theſe, reckoning for each man only eight deniers per day, or twelve livres per annum, will be near eleven millions.

Brought over - 23,600,000

cited*, reckons "twenty-five millions "to be placed to the charge of the "people, to defray the expences of "the diſtribution of juſtice, that of "the adminiſtrative aſſemblies, and "ſome others beſide." As he has not given this eſtimate in one of thoſe moments when he has wiſhed to magnify embarraſſments, but in one of thoſe when it was manifeſt he was deſirous to gloſs them over, and perſuade us, at parting, that he had "a "remedy for every thing, even the "greateſt

 23,600,000

* Page 21 of the laſt Report of M. Necker, poſterior to his diſmiſſion. In citing this article, I have not meant to admit the accuracy of all the others. This would be leading the Public into an error. It is not ſurpriſing that, in a time of ſuch confuſion, he ſhould have made more than one miſtake; that he ſhould have eſtimated at thirty millions and a half the intereſts of the ſums due for offices and ſecurities to be reimburſed, while, according to the Committee of Finances, theſe intereſts amount to thirty-two millions and a half; that he ſhould have reduced to two millions the article mentioned above, which, in his own account, is twelve millions one hundred thouſand livres; and, in fine, that he ſhould have omitted in his ſtatements of our ſituation more than a hundred millions of loſs on the revenues, which he knows are not yet replaced, in order to preſent us, in this laſt moment, with a favourable proſpect. His *mania* of ſurpluses is a kind of intermitting malady.

Brought over - 23,600,000

" greateſt failures," we may reaſonably believe that he has not exaggerated it; and I accordingly make uſe of it here - - - - - - - - - 25,000,000

5th. According to the calculations which the Committee of Finances has carefully made, and which have been publiſhed by order of the Aſſembly, the intereſt of the ſums due for the offices of judicature, finance places, and ſecurities that have been ſuppreſſed, amounts to thirty-ſeven millions and a half. Whatever meaſures may be adopted for the diſcharge of this ſum, and whatever deſign may be entertained of appropriating to that purpoſe the produce of the ſale of what is now called *the national property*, we muſt always begin by reckoning this intereſt as a part of the expenditure; for a debt is not the leſs a debt, becauſe the debtor hopes to diſcharge it by the ſale of his goods; and ſtill leſs does it

48,600,000

* Page 8 of the Statement of the Public Debt, printed in the name of the Committee of Finances, ſecond part.

Brought over -	48,600,000
it alter its nature, becauſe his only reſource is ſelling the goods of another perſon. This, therefore, is a new article of expence* - - - - -	37,500,000
6th. The caſe is the ſame with the reimburſements due for the offices of the King's houſehold, military employments, and governments; theſe three articles making together, according to the ſtatement of the Committee, a capital of ninety millions nine hundred and five thouſand livres.	
And for intereſt - - - - - -	4,445,000
7th. The debts of the Clergy, for which the State is accountable, ſince it has taken poſſeſſion of their property, are ſtated, by the Committee of Finances, at one hundred and forty-nine millions four hundred and ſome thouſand livres; and the intereſt, from a due appreciation of the capitals, is found to amount to five millions eight hundred and thirty-three thouſand livres. The reflexion which I have made* at the preceding article,	
	90,545,000

* Page 1 of the Statement above cited.

Brought over - 90,545,000

ticle, with reſpect to the reimburſements due for the offices, applies equally to this; and we are juſtified in reckoning here - - - - - - - 5,833,000

8th. The amount of the reimburſements at ſtated periods which have become due, being, according to the ſame ſtatement of the Committee of Finances, one hundred and ſeven millions eight hundred and thirty-five thouſand livres, the intereſt of this ſum muſt be reckoned as a new expence; ſince, if theſe reimburſements had annually been paid as they became due, as they were during my miniſtry, the public treaſury would not have been charged with this intereſt, repreſentative of the capitals, which muſt ſooner or later be employed for that purpoſe - - - - 5,392,000

9th. The Aſſembly having decreed, on the 14th of April 1790, " that an indemnification ſhall be " granted from the public treaſury " to the proprietors of infeudated " tithes;" this decree charges the State with a reimburſement, which is

101,770,000

Brought over -	101,770,000
is ſtated at the loweſt when eſtimated at a hundred millions; and for intereſt - - - - - - - - - - -	4,000,000

10th. The expence of public worſhip, as it has been regulated, will, it is pretended, be compenſated by the produce of the eccleſiaſtical property, if it ſhould not be ſold*. As I have not had regard to the eventual ſuppoſition of this ſale in the calculations above, I ſhall not here reckon any thing for this article. But as the Committee of Finances has acknowledged that, beſides this expence, and above the amount of the produce of the property, the State will have to pay penſions to the incumbents and religious, to the amount of fifty millions of livres; this ſum ought to be ſtated as an augmentation of expence - - - - - - - 50,000,000

I ſay

 155,770,000

* It would be eaſy to prove, that the eccleſiaſtical property, under the management of the Municipalities, would fall conſiderably ſhort of producing the ſeventy millions of livres, which the Committee has rated it at. The expences of collection, and the loſs occaſioned by the abolition of ſeigneurial rights, would cauſe a diminution of more than ten millions.

Brought over - 155,770,000

I ſay nothing of the intereſt of the arrearage of the departments, and ſome other parts of the public debt, which I conſider as compenſated by the reduction on the anticipations. I ſhall hereafter even examine what difference there may be to the advantage of this reduction.

Total of the expences, newly added to the ordinary expenditure - - 155,770,000

It is by comparing this increaſe of annual expences, with which the National Aſſembly has charged the State, with the real value of the œconomical retrenchments, made or announced, that we ſhall be able to judge what muſt be the reſult, with reſpect to the amount of the preſent deficiency.

Œconomical Reductions.

IT is not eaſy to fix at a determinate ſum, the amount of the œconomical reductions, of which the Committee of Finances has only given variable ſtatements.

At one time, by a Memoir accompanied by *juſtificatory and explanatory views*, we have been preſented with *a reduction of expences and public debts*, amounting to one hundred and nineteen millions of livres*. At

* Report of M. de Monteſquiou of the 18th of November 1789, N° 1 of the Juſtificatory Pieces.

At another time, ſome errors in this ſtatement being corrected, we are given to expect only a ſaving of ninety-ſix millions, under one point of view, and ſeventy-five, or eighty, under another.*

Afterward the Aſſembly, acknowledging that to throw thirty-five millions and a half on the adminiſtrations of the provinces, was only a ſhifting of the expence, which no way lightened the burden of the people, has retrenched this ſum from the ſavings, which it then only eſtimated and decreed to be about ſixty millions.†

M. Necker then obſerved, *that he did not well underſtand the laſt engagement of forming, in one manner or another, a reduction of ſixty millions*; and he has, beſides, diſcovered in this calculation of ſixty millions, an error of four millions eight hundred and eighty-nine thouſand livres, which has not been diſputed.‡

It has ſince been found neceſſary to make another alteration in this ſum, the expence of the King's houſehold, which had been only reckoned at twenty millions, having been allowed to be twenty-five.

Theſe

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* Statement of the Reductions of the Public Expenditure of the 29th of January 1790, p. 5 and 9.

† Decree of the 26th of February 1790.

‡ Memoir of the firſt Miniſter of the Finances, read in the ſeſſion of the 6th of March 1790, page 34; and Report of M. de Monteſquiou, of the 15th of the ſame month, page 26.

Theſe two articles make together a ſum of nine millions eight hundred and eighty-nine thouſand livres, which, deducted from that of ſixty millions, reduces it to - - - - - - - 50,111,000

To theſe œconomical reductions, it will be proper to add the amount of ſalaries and intereſt which will ceaſe by the reimburſements for employments, offices, and ſecurities, ſince I have included, among the augmentations of expences, the entire ſum, which muſt be paid annually for the intereſt of the capital of theſe reimburſements. There is only the difference between this intereſt and what was formerly paid, that can be conſidered as a new expence. Thus the finances of the offices of magiſtrature, and other acceſſary offices, ſuch as thoſe of the chanceries, bailiffs, attornies, &c. forming together a capital of four hundred and fifty millions of livres, the intereſt, which I have reckoned as an increaſe of expence, at the rate of twenty-two millions five hundred thouſand livres, is a real increaſe of only thirteen millions one hundred and forty-ſeven thouſand livres; becauſe the ſum of nine millions three hundred

Brought over -	50,111,000
hundred and fifty-three thouſand livres was before paid in ſalaries repreſentative of the intereſt of the finances: it is therefore juſt to reckon here, as a reduction, theſe ſuppreſſed ſalaries, to the amount of - - -	9,353,000
I ought likewiſe to make an article of reduction of the ſuppreſſed intereſt of the offices of finances, and the ſecurities; ſince I have already ſtated, as an article of expence, the intereſt of the ſums aſſigned for their reimburſement in the firſt Report of M. de Monteſquiou, of the 18th of November 1789. This retrenchment was included in the ſum total of the reductions, which had nearly led me into an error; but I obſerved that they were not repeated in the ſtatement of the reductions decreed proviſionally on the 26th of February 1790, and in conſequence I add here their whole amount, which is	16,012,000
It is not the ſame with reſpect to the appointments and emoluments annexed	
	75,476,000

Brought over - 75,476,000

annexed to the offices of the houſehold of the King, the Queen, and the Princes; or to military employments and to governments. As they were paid either from the funds aſſigned for the houſehold of the King, &c. or from thoſe of the war department, and as they did not form particular articles in the ancient ſtatements of expence, their ſuppreſſion is included in the reductions of the civil liſt and the military funds, which make a part of thoſe I have noticed above, as decreed proviſionally, on the 26th of February. They would therefore be twice reckoned, ſhould I ſtate them here a ſecond time. I mention them at preſent only by way of - *memorandum*

There remains the article of anticipations, of which the annihilation ſeems to promiſe a ſaving of about fifteen millions per annum: but I cannot ſtate it here as a reduction, 1ſt, becauſe it is not certain, that the reſolution to anticipate no more will be rendered effectual, conformably

75,476,000

Brought over - 75,476,000

ably to the decrees of the Aſſembly; and becauſe, on the contrary, ſince that reſolution has been taken, new anticipations have been made on the enſuing year; 2dly, becauſe the anticipations which exiſt at the moment I am writing, that is to ſay, thoſe which become due poſterior to the month of October 1790, and which extend to the month of May 1791, amount, according to the eſtimate which I have extracted from the account preſented to the Aſſembly by M. Necker, on the 21ſt of July laſt (1790), to the ſum of one hundred and eleven millions eight hundred thouſand livres, the intereſt of which muſt indiſpenſably be paid till their extinction; 3dly, becauſe the means which have been employed to defray the expences incurred by the anticipations are almoſt as burdenſome as thoſe expences themſelves, as I ſhall hereafter make appear. What I have ſaid here, I intend only by way of *memorandum*

Total of the reductions 75,476,000

RECAPITULATION.

RECAPITULATION.

The augmentations of expence amount to - - - - - - - - -	155,770,000
The œconomical reductions, which are to be ſubtracted from this ſum, amount to - - - - -	75,476,000
Remains for the augmentation of the expence - - -	80,294,000
On the other hand, the diminutions of the revenue amount to -	119,200,000
The additional deficiency, compoſed of theſe two ſums, is, therefore - - - - - -	199,494,000
The former was - -	56,230,000
Total of the preſent deficiency	255,724,000

In this calculation no notice is taken of *the reimburſements at ſtated periods*; they have been entirely loſt ſight of ſince my retirement from office. I have already obſerved that, if I had, in like manner, retrenched them from the account which I gave

gave in, in the year 1787, the deficiency would then have been but fifty-ſeven millions. What clamours did I not excite againſt me, when I took the ſalutary reſolution to reveal its true ſtate! At preſent it is more than quadruple what it then was, and is not noticed.

But without adverting to what concerns myſelf, is it poſſible not to be ſtruck with aſtoniſhment, when we compare the deficiency, as it appears in the account given in by M. Necker, ſeventeen months ſince, with the preſent, and perceive that, in ſo ſhort a time, it has been increaſed by the ſum of one hundred and ninety-nine millions of livres?

It may perhaps be objected to me, that I have not reckoned, in compenſation of the diminutions of revenue, the product of the impoſts that have been decreed to ſupply the place of thoſe that have been aboliſhed. But, in the firſt place, this product, which will be but a very unequal ſubſtitute, ſince, to ſupply the place of the ſixty millions brought in by the *gabelle*, a tax which can only be valued at forty is all that has been decreed, does not yet exiſt; it has not yet been levied, nor can it be, till the general ſtate of the contributions, the form of their aſſeſſment, and the mode of their collection, ſhall be finally regulated. I ſhall hereafter examine in what manner this may be done. Beſides, it was incumbent on me to begin by

ſhowing

ſhowing to what a ſum theſe contributions muſt amount, to ſupply all the deficiencies; the meaſure of which it was proper I ſhould aſcertain, as they exiſt at the preſent moment, abſtracted from the means that may be employed to provide for them. This method of proceeding is likewiſe the more proper, becauſe it is that followed by the Aſſembly, which has deſtroyed the revenue before it has taken any meaſure to replace it, and without paying any attention to the irreparable miſchiefs, which a gap of more than one year muſt occaſion. This, on its part, is no doubt, the oppoſite to what it ought to have done; but on mine, the order of a methodical diſcuſſion required, that I ſhould firſt ſtate the entire deficiency, before I conſidered in what manner it might hereafter be provided for.

Far, however, from having exaggerated this deficiency, by ſtating it at preſent at two hundred and fifty-five millions, I think it abſolutely neceſſary to eſtimate it at a ſum much more conſiderable, in conſideration of the neceſſity there muſt at length be, to adopt ſome mode of providing for the periodical reimburſements, which, for ſeveral years, ſeem to have been entirely diſregarded, though the honour of the nation is pledged for their payment. The Committee of Finances appeared to be convinced of this neceſſity, ſince, in its Report of the 27th of Auguſt laſt, it propoſed the alternative, either to diſcharge at once, by the produce of the ſale of the national domains, the entire

entire ſum of the reimburſements thus due at different periods not yet arrived, or to form a ſinking fund of twenty-three millions ſeven hundred thouſand livres, which, by adding to it the accumulation of intereſt as it became extinct, might enable the State ſucceſſively to diſcharge, in the ſpace of thirty-two years, this maſs of debt, which, according to the Committee, amounts to five hundred and ſixty-two millions ſix hundred thouſand livres.

But to the firſt of theſe two modes it is objected, that it adds to the already exceſſive weight of the debt at preſent due, parts of debts which are not yet demandable; and this mode is alſo liable to another, and, according to my ideas, a ſtill more important objection, which is, that it allots for this anticipated payment property which I maintain, and will prove, to be illegally uſurped.

The ſecond mode has affinity to that which I myſelf propoſed to the Aſſembly of the Notables, but with a difference which I cannot conſider as either juſt or reaſonable. 1ſt, It is not juſt to aſſign two and thirty years for the payment of reimburſements the major part of which will become due in ten years, dating from the preſent (1790), and of which not one, excepting ſome of little importance on the loans of the city of Paris, extends beyond twenty years. 2d, It is not reaſonable to appropriate to the ſucceſſive

diſcharge of a maſs of debts rapidly decreaſing, and of which only the eight or ten firſt years are very burdenſome, a fund of redemption continually increaſing, and which, after having been inſufficient for its object during the firſt years, ſhall infinitely exceed it during the twelve laſt. This would be an inverſion of what is indicated by the dates when theſe payments become due; for, ſince it is natural to expect that the progreſs of the fund ſhould be parallel to that of the reimburſements, a diminiſhing rather than an increaſing fund ſhould be employed; and this conſideration it was that prevented me from appropriating to this purpoſe a ſeries of expiring intereſts, which is more naturally applicable to voluntary redemptions. I had at the ſame time in view, to lighten the burden of the reimburſements at ſtated periods with reſpect to the royal treaſury, without altering the terms of their acquittal with regard to the creditors; another expedient which was good at the time when there was credit in France, and which, had it been adopted in the year 1787, would have ſaved Government the diſgrace of failing in this part of the engagements of the State, which I was of opinion ought not to be ſeparated from the annual expence, but which, ſince it has been detached from it, has been counted for nothing.

At preſent, without being able to foreſee what will be determined with reſpect to theſe engagements,

ments, which ought to be included among thoſe the Aſſembly has declared to be *under the ſafeguard of the Nation*, it appears to me that, if we eſtimate in idea the expence of the mean year of the twenty in which the whole of the periodical reimburſements are to be paid, we ſhall find that, adding to the payments that are to become due the intereſt of the ſums not yet due, the mean amount will be at leaſt thirty-five millions of livres *.

It appears juſt to add this ſum to the annual deficiency, which I have ſhown to be two hundred and fifty-five millions, abſtracted from every arrangement which may be made for the acquittal of the periodical reimburſements; and conſequently this deficiency ought to be conſidered as now amounting to - - 290,000,000

The Aſſembly, therefore, at the preſent moment has to provide for a deficiency of two hundred

* The ſum of five hundred and ſixty-two millions ſix hundred thouſand livres, is that at which the whole of the periodical reimburſements is eſtimated by the Committee of Finances, in page 7 of its Report of the 27th of Auguſt. This ſum divided by twenty, for the twenty years, gives twenty-eight millions, one hundred and thirty thouſand livres per annum. The decreaſing intereſt, taken at its proportional mean, would be fourteen millions; but I have only reckoned it at ſeven, the firſt reimburſements being ſo conſiderable that they double the rapidity of the decreaſe, which gives in the whole thirty-five millions of livres per annum.

and ninety millions of livres in the revenue, notwithſtanding a reduction of ſixty millions in the expenditure. This is a concluſion to make us ſhudder. But is it juſt, or is it not? I appeal to the judgement of the Aſſembly itſelf, if it will conſent to permit each article to be diſcuſſed in its preſence, and decide. I requeſt, and, in the name of the public intereſt, call upon the Committee of Finances to declare, whether, in the eſtimate I have juſt given, I have made any miſtake, and in what. This is a queſtion too important to remain unanſwered. If I am proved in an error, I will candidly retract what I have advanced; but will defend my aſſertions, ſhould they only be oppoſed by ſubterfuges. Silence, after ſuch a challenge muſt be conſidered as an avowal of the charge; and if I am not confuted, I ought to be believed. The public will not pardon an affected contempt, when the ſubject in queſtion is an elucidation in which it is eſſentially intereſted, which every citizen has a right to demand, and which is now demanded in the moſt ſerious manner.

Let me here add that, if, notwithſtanding all the care I have taken to be exact, ſome error ſhould have crept into my calculations, or ſome doubt ſhould be entertained with reſpect to the manner in which certain articles that I have reckoned as an increaſe of the expenditure ought to be viewed, the difference in the total amount cannot

cannot be more than forty millions of livres; and in this caſe, the deficiency will ſtill be two hundred and fifty millions, at which ſum I ſhall rate it through the remainder of theſe remarks, that the conſequences I deduce may be inconteſtable. My readers will therefore remember that errors to the amount of forty millions of livres will not diminiſh the truth of what I advance.

I have hitherto only ſpoken of the annual deficiency, and its prodigious increaſe ſince my retirement from the miniſtry. I ſhall now, in order to ſhow in every point of view the confuſion that has been introduced into the State, proceed to examine how much the capital of the national debt has been augmented during the ſame interval.

Increaſe of the Capital of the National Debt within the Three laſt Years.

THE Aſſembly of the Notables convoked in 1787 had for its principal object to find an effectual means of putting an end to loans. I then thought that, as the debts incurred by the war were entirely liquidated, it might be poſſible to avoid recurring again to that fatal reſource; and, to render the abjuration of it more immutable by the moſt ſolemn national aſſent that could be hoped for at that time, I determined, not only to tear away every veil, and ſhow the wound of

the State in all its depth, but alſo to diſplay thoſe aggravating acceſſories which I might eaſily have detached from it, as my ſucceſſors have done. My deſign, as I clearly explained it in my Diſcourſe to the Notables, my only deſign was to effect great retrenchments in the expenditure, to compel a reformation of unjuſt privileges, and by theſe means to produce a balance between the receipt and the expenditure, and deliver the State from the ſyſtem of loans, the ſource of every evil. But what has been the event? I have been ſacrificed, and more money borrowed than in any preceding times, more is ſtill borrowed every day, and continually to borrow ſeems to have become the only ſecret of adminiſtration to remedy the diſorder occaſioned by loans! *

What clamours ſhould I not have excited in 1787, if, after having demonſtrated how much injury had been done to the State by the ſilly error of preferring, during war, ruinous loans to an increaſe of taxes, which muſt ſooner or later become inevitable, I had declared that, though the old debts had been paid off, it would ſtill be neceſſary to borrow, to borrow more than before, to borrow, within three years, near eight hundred millions of livres! I ſhould have been heard with a kind of horror, and deemed a madman—yet this is what has actually been done,

The

* It is manifeſt that a creation of *aſſignats* is a loan,

The proof of my aſſertion is as follows.

1ſt. The ſeries of direct loans from May 1787 to Auguſt 1789 *, amounts to two hundred and eighty-ſeven millions of livres.

2d. The ſums advanced to Government by the *Caiſſe d'Eſcompte*, or, which amounts to the ſame thing, the portion of *aſſignats* which have

 replaced

* Loan by edict of May 1787 . . .	60,000,000
Loan of the States of Languedoc, towards the end of the ſame year	12,000,000
Item for a redemption	3,000,000
Loan of the States of Burgundy . . .	1,500,000
Lottery of October 1787	12,000,000
Money advanced by the Farmers-general .	10,100,000
Item by the Receivers-general; but it is to be reimburſed, and is here only mentioned by way of	*memorandum.*
Loan of the month of November 1787	120,000,000
Three new loans of the States of Languedoc, in 1788; which, not being entirely filled, I here only reckon what has been paid in to the preſent time, viz.	9,300,000
Loan of the States of Provence, in the ſame year	3,000,000
Advance made, in March 1788, by the Company of Aſſurance	5,000,000
Advance made, in October 1788, by the Company of Notaries	7,000,000
Payments of the old loans, become due ſince 1787	4,100,000
Loan of Auguſt 1789, of eighty millions, and effectually of	40,000,000
	287,000,000

replaced them, might have been reckoned among the direct loans above enumerated; but at leaſt ſuch of theſe ſums as have been advanced within theſe two years, and which have in a great meaſure abſorbed the reſource which the aſſignats might have procured, muſt be conſidered as indirect loans; and that I may riſk no error with reſpect to their amount, which the reciprocal transfuſion of the notes of the Caiſſe d'Eſcompte and the aſſignats renders difficult to aſcertain with preciſion, I ſhall confine myſelf to the laſt general account given in by M. Necker, on the 21ſt of July of the preſent year (1790), in which we find, at article 41 of the receipts of the royal treaſury from the 1ſt of May 1789 to the 30th of April 1790, incluſively, for *Advances* received from the Caiſſe d'Eſcompte, * - - - - - - - - 190,000,000

3d.

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* The ſums advanced by the Caiſſe d'Eſcompte, the uſe made of the aſſignats, and the remainder of the anticipations, are ſubjects which the Committee of Finances has not ſufficiently elucidated, at leaſt in its different reports; and it may be ſaid, that they ſtill remain enveloped in that cloud with which care has been taken to obſcure by artfully intermingling them. The aſſignats have ſerved to reimburſe the Caiſſe d'Eſcompte; and the notes of the Caiſſe d'Eſcompte have ſupplied the place of the aſſignats during their fabrication: theſe fictitious values have been confounded. The aſſignats ought alſo to have entirely paid off the anticipations: but have they done it completely? by what concurrence? and in what manner? With four hundred millions of aſſignats, ſome progreſs has been made towards diſcharging the arrears of annuities: but will they ſuffice to complete,

3d. The ſuſpenſion of the reimburſements that have become due in a forced loan. The Committee

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complete, as has been promiſed, the payments for the year 1789, beſides the laſt half-year of 1788? May we not doubt of this, when Adminiſtration gives us to underſtand that, to provide for the ſervice of the preſent year, and begin the enſuing, two hundred millions of new aſſignats will be neceſſary? In the midſt of this darkneſs, taking for my guides only thoſe ſtatements which the Aſſembly itſelf muſt allow to be authentic, I have endeavoured to diſtinguiſh what ought to be conſidered as a debt, additional to the old ones, from what has ſerved to pay off thoſe which exiſted in my time. I clearly perceive, by the Account of M. Necker, that one hundred and ninety millions have been lent to the Royal Treaſury by the Caiſſe d'Eſcompte within the ſpace of a year (which is one of the greateſt of abuſes). I imagine this loan to have been reimburſed in aſſignats: but this is only a change of denomination which cannot prevent the loan of one hundred and ninety millions from having exiſted, nor even from ſtill exiſting; ſince a loan is not the leſs a loan, becauſe it is made repayable on certain funds; and no perſon can ſay that he owes nothing, becauſe he has determined to ſell his effects to pay his debts.

It appears that the ſecurity of ſeventy millions, which I had cauſed the ſtock-holders of the Caiſſe d'Eſcompte to advance in February 1787, and which is of a widely different nature from that confuſed intermingling of the funds of the Royal Treaſury with thoſe of the Caiſſe d'Eſcompte, which I have never permitted myſelf for the ſmalleſt ſum, has been in like manner reimburſed in aſſignats. In this caſe, out of the four hundred millions, there will only remain one hundred and forty, both for the diſcharge of one half-year's annuities, which will require eighty millions, and for paying off the anticipations; and I am not ſurpriſed that four hundred millions

mittee of Finances has only eſtimated what is due to the preſent moment at one hundred and ſeven millions

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millions have not been ſufficient for the exigencies of the year. But what exigencies! and how enormous is the expence which has been incurred within thirteen months! The general account given in by M. Necker on the 12th of laſt July, ſtates it at ſeven hundred and thirty-one millions for twelve months, ending with laſt April; that incurred from that date to the end of the year, will perhaps be ſtill greater in proportion, becauſe all that it was not thought proper to ſuffer to appear in the former account may be thrown upon it. Perhaps we ſhall find in it ſome article ſimilar to that which is the 55th of the chapter of the Expenditure, ſtating thirty-nine millions eight hundred and ſeventy-one thouſand livres for *expences relative to ſubſiſtence, after deducting the collections that have been made.* That is to ſay, that the difference of the price at which corn was ſold to the public, and that at which it was purchaſed by Government, was about forty millions of livres, which, admitting that the loſs might be about one third, would ſuppoſe an expence of one hundred and twenty millions in the purchaſe of grain. But according to an *inſtructive memoir* given in by M. Necker to the Committee of Subſiſtence, the grain which Government had cauſed to be imported into France, that which was expected, and even that which was hoped for, amounted, in the whole, but to one million four hundred and four thouſand quintals, making five hundred and eighty-five thouſand *ſeptiers*,* of two hundred and forty pounds weight each, Paris weight; the purchaſe of which, at the rate of forty livres the *ſeptier* (a very high price, eſpecially as no difference is made for the rye and barley included in this quantity), would have coſt but between twenty-three and twenty-four millions; though it has been aſſerted to the Aſſembly, with equal effrontery and impunity, that the State (which had only laid out twenty-four millions in

* A meaſure of twelve buſhels.

millions eight hundred and fifty-ſix thouſand livres, becauſe it has taken from it three articles which it has thought proper to claſs differently, though theſe articles do not therefore the leſs make a part of the debt; we ſhall, however, abide by the calculations of the Committee, and eſtimate this only at - - - - - - - 108,000,000

4th. The arrears of the payments of annuities is, in like manner, a forced loan, and, what is worſe, a loan without intereſt, conſequently the moſt unjuſt of all. As it has been announced that, in the courſe of the preſent year 1790, the whole year 1789, beſides the laſt half-year of 1788,

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in the purchaſe of grain) had loſt twenty-four millions by the ſale of it. And even though grain ſhould have been purchaſed to the amount of thirty millions, at the rate of forty-five livres the *ſeptier*, to pretend a loſs of twenty-five millions by the re-ſale of it, muſt appear an extravagant abſurdity: but it is ſtill more abſurd to have carried this loſs up to forty millions; ſince this is to ſuppoſe that, ſince the month of July 1789, at which time I am willing to admit that thirty millions might have been thus expended, Government muſt have laid out ninety more in new purchaſes, to make a total of one hundred and twenty millions, on which there might be a loſs of one third. This ſuppoſition, conſidering that the year in which theſe ſupplies were neceſſary was placed between two favourable ſeaſons, is the height of extravagance. It requires the moſt pitiable credulity to believe that even the half of this ſum has been expended for the ſubſiſtence of the people; and all that we can conclude from it is, that a Revolution is a very dear thing.

1788, will be paid off, if this promiſe is fulfilled, there will only remain one half-year's arrears; and this half-year is an object of - - 80,000,000

5th. The other arrears of every kind which have augmented the national debt, thoſe for entertainments, appointments, ſalaries, and the greater part of penſions, which have not been paid for two years back; thoſe for the expence of buildings, and the wardrobe, in fine, all demandable debts not ſpecified above, and which cannot be paid off this year, amount together to a total which, according to the calculations I have ſeen, exceeds one hundred and forty millions of livres: but the Committee of Finances having only eſtimated it at one hundred and twenty, I ſhall here ſtate it at the ſame - - - - - - - - 120,000,000

Total of the five articles of the increaſe of the national debt ſince the month of April 1787, - - - - - - - - - - - - - - - - 785,000,000

Each of theſe articles may with propriety be denominated a loan: for not to pay what we owe, and what is become due, is to borrow, if not to ſteal, and is even that kind of borrowing which is moſt deſtructive of credit. Beſides, whatever difference we may wiſh to eſtabliſh between money raiſed and money withheld, there is none with reſpect to the uſe that is made of it; and,

and, at any rate, thoſe who have had the adminiſtration of the finances for theſe laſt three years, owe to the nation an account of theſe ſeven hundred and eighty-five millions of extraordinary reſources with which they have augmented the national debt, as well as of thoſe ariſing from the patriotic gifts paid into the public Treaſury, the plate carried to the mint, and the ſums produced by the contribution of a quarter of the annual income of the contributors. Theſe, added to the ſeven hundred and eighty-five millions before mentioned, muſt increaſe the total to conſiderably above eight hundred millions: * but were only this ſum to be reckoned for extraordinaries, in what manner can it have been employed? What uſe has been made of it by thoſe Miniſters who ſo loudly vaunt their œconomy, and ſo

* I ſhould incline to believe that the plate carried to the mint, amounting to fourteen or fifteen millions, the patriotic gifts, and eſpecially the contribution of one fourth of the annual income, muſt raiſe a much more conſiderable ſum, eſpecially as it has been publicly aſſerted that the contribution of the city of Paris alone amounted to more than thirty millions. How are the people fed with illuſions! The account given in by M. Necker, on the laſt of July, ſtates as received only three hundred and ſixty-one thouſand livres for patriotic gifts, and nine millions ſeven hundred and twenty-one thouſand livres for the contribution of a quarter of the revenues through the whole kingdom. What a number of fine words have been laviſhed for ſo ſmall an effect!

ſo aſſiduouſly vilify every Adminiſtration but their own? *

There

* May we not here make ſome moral reflexions on the frivolity, abſurdity, and injuſtice, of the opinion of the multitude, which is too often confounded with that of the public? Abſtracted from all regard to myſelf, I have been ſtruck with a contraſt to which I would wiſh to engage the attention of my readers.

On the one hand, we have ſeen a Miniſter the victim of court-intrigue, and the courage which he *firſt* had to attack the privileges of the Clergy and Nobility, condemned to ſuffer the moſt cruel perſecution, and ſtigmatiſed with the moſt dreadful imputations, while the blind multitude has obſtinately attributed to him the diſorder which he did not fear to reveal to the Nation. In conſequence merely of calumnies, which have been ſuggeſted and ſupported by an adverſary who, after having ſupplanted him, was intereſted to procure his deſtruction, he has been believed guilty of the moſt ſhameful extravagance, and reviled with the utmoſt virulence. In vain has he defied his enemies to prove, or even to ſpecify, a ſingle article of the depredations that have been vaguely attributed to him; in vain has he ſolicited the ſevereſt ſcrutiny into his whole adminiſtration: he has not been liſtened to; nothing has been examined, nothing conſidered; and, even now, when his ſlanderers are reduced to ſilence, the impreſſion which their malignity has made on the multitude, ſtill remains. The reaſonable part of the people are, indeed, undeceived with reſpect to his character; but he has obtained no reparation, and remains expoſed to the venomous ſtings of the vileſt of reptiles.—Yet are his adverſaries compelled to confeſs that, if in the ſpace of three years and a half he borrowed four or five millions of livres, they have been employed in *the payment of the debts incurred by the war, and the arrears.* It is

univerſally

There is another ſource of increaſe of the national debt, which it would not be proper to confound

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univerſally acknowledged that he has *always paid what has been due with the utmoſt exactneſs, that the annuities and all the engagements of the State were, under his miniſtry, diſcharged with a punctuality till then unexampled*; that he had *re-eſtabliſhed credit, given new life to commerce, prevented every kind of ſcarcity, and encouraged all the arts:* in fine, it is certain that he impoſed *no tax*, but on the contrary *relieved the people* from many burdenſome duties; that it was during his adminiſtration that *the third twentieth ceaſed*; and that the deficiency with which he is reproached, eſtimating it even according to the method that has been adopted, amounted only to fifty-ſeven millions at the time he quitted the miniſtry. All this is what no perſon denies, but what no perſon conſiders.

On the other hand, we have ſeen, immediately after his retirement, the punctuality of payments ceaſe, the public engagements continually violated, loans multiplied with diſhonourable delays in the promiſed repayments, the deficiency increaſe, the national debt prodigiouſly augmented, and credit annihilated; we have ſeen commerce languiſh, induſtry deprived of its activity, and the wretchedneſs of the people become extreme; confuſion has every where ſucceeded to tranquillity, the political conſequence of France vaniſhed like a dream, and the kingdom ſunk into ruin. Should we not ſuppoſe that, in conſequence of this change, complaints, reproaches, and accuſations ſhould have been poured forth with redoubled violence againſt the Miniſters who had ſucceeded him who had been treated with ſo much injuſtice? No; their management has never been ſo much as called in queſtion: little or no attention has been paid to the eight hundred millions of livres that have diſappeared, no one can explain how, under their adminiſtration. The Aſſembly and the people,

after

confound with the loans, or with the funds, but which is not the leſs an increaſe of the burden of the State; I mean the reimburſements due for the offices, military employments, governments, and ſecurities that have been ſuppreſſed. The total of the capitals which their ſuppreſſion obliges the State to reimburſe, amounts, according to the report of the Committee of Finances, to eight hundred and ſixty-two millions four hundred and fifty thouſand livres; and, though the ſtate was already debtor in theſe capitals, which it had originally received, as they were alienated in perpetuity, the neceſſity of reimburſing them is become a new charge to the public Treaſury. However, I ſhall only conſider as ſuch the capital of the intereſt which exceeds the ſum formerly paid for the ſalaries of the ſuppreſſed offices, and the financial intereſts. I have already ſhown that this amounted to more than thirteen millions, for the offices of judicature: there is alſo a ſurplus for ſeveral offices in the King's houſehold and military employments.

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after having exhauſted themſelves in declamations againſt an imaginary dilapidation, have become indifferent and mute with reſpect to diſorders of the greateſt magnitude. He who firſt put the Nation in a way to remedy its ancient evils is proſcribed, while the real author of its preſent misfortunes has enjoyed the full tide of popular favour, has, for a time, been extolled as a divinity, and would be ſo ſtill if he had not thought proper no longer to riſk the celebrity which he has carried with him to his retirement.—Oh! human judgements!

employments. The whole amounts to above fifteen millions, making a capital of three hundred millions, which ſum only I ſhall ſtate as the increaſe of the national debt for this article. - - - - - - - - - - - - - - - 300,000,000

We muſt alſo add the price of the redemption of the infeudated tithes, which is likewiſe a new debt for the ſtate, and has been eſtimated by the Committee of Finances at - - - 100,000,000

The aſſignats, bearing three per cent. intereſt, form alſo an increaſe of the national debt, and might be placed in the liſt of loans; ſince to create paper money, is to borrow of the public the value of that paper, which is owed by the State; but as I have reckoned above, the advances made by the Caiſſe d'Eſcompte, which have been reimburſed by this paper, and ſince it has ſerved alſo to pay off a great part of the anticipations, I ought only to conſider as a new debt the ſurplus above what is appropriated to theſe two objects. Theſe together muſt employ four hundred and forty-five millions. If, therefore, to complete theſe payments, and provide for the exigencies of the year, it ſhould be found neceſſary to add, at leaſt, one hundred millions of new aſſignats to the four hundred millions firſt iſſued, there will be only fifty-five millions out of theſe five hundred millions to be reckoned as a new debt. It is probable that the ſupplement decreed will be

much greater; but I ſhall here only reckon theſe - - - - - - - - - - - - - - 55,000,000

And, adding the three laſt ſums to the eight hundred millions of loan, the total will become - - - - - - - - - - - - - - 1,255,000,000

Is it to be believed! Can we conceive that the national debt, which roſe only to three thouſand millions of livres in the courſe of a century *, has been increaſed by twelve hundred and fifty-five millions within three years!—Yet do I not exaggerate. We may eaſily be convinced of the truth of what I have advanced, if we conſider that this account agrees very nearly with the ſtatements lately publiſhed by order of the Aſſembly, which make the preſent debt amount to one thouſand nine hundred and two millions, and the capitals of the

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* The State owed, in the beginning of the year 1787,

1ſt, In life annuities, ninety-two millions, making a capital of - - - - -	920,000,000
2d, In perpetual annuities, fifty-five millions, making a capital of - - -	1,100,000,000
3d, For different intereſts and ſalaries, fifty millions, making a capital of -	1,000,000,000
Total of the capitals	3,020,000,000
According to the Committee, the debt at preſent is - - - - - -	4,241,000,000
Difference - - - - -	1,239,000,000

the perpetual and life annuities to two thouſand three hundred and thirty-nine millions; and, conſequently, the total to four thouſand two hundred and forty-one millions.

To whom are we to look as the authors of this grievance? Who is to be conſidered as reſponſible for the cruel injury done to the Nation by the cauſe, whatever it may be, of an increaſe of debts which, according to the opinion of the Aſſembly itſelf, exceeds twelve hundred millions; and by an increaſe of annual deficiency, which, as I have ſhewn above, advances it to more than *two hundred and fifty millions*.

Let us now ſee what the Aſſembly can do, or what may be done by the Legiſlature which ſhall ſucceed it, to repair ſo dreadful a diſorder.

Two methods ſeem to be propoſed: the one, a creation of new aſſignats, to pay off, in whole or in part, the preſent debt, and facilitate the ſale of the national domains; the other, a general re-modelling of all the contributions, and a regulation of the produce of their different kinds, in ſuch a manner that they may be ſufficient for the neceſſary expences.

Let us examine what ſucceſs may be expected from either of theſe projects.

New Creation of Aſſignats.

SINCE ſome of the members of the National Aſſembly have perſuaded it that, to ſave the State, it was neceſſary to ſeize on the property of the clergy, and the royal domains, others endeavour to perſuade it that, to render this uſurpation uſeful and ſpeedily ſalutary, it will be neceſſary to pay the creditors of the State in paper, which being received in payment for the property called national, will accelerate its ſale. They have not heſitated to propoſe to create two thouſand millions of aſſignats, the acceptance of which is to be compulſive, beſides the four hundred millions already in circulation; and the ſame man who declared, a year ſince, that "paper money is a robbery," "a tax on the people"—that it is "an attack on the liberty of the Nation"—that it is "a circulating peſtilence"—now maintains with heat that it is neceſſary immediately to create paper to the amount of two thouſand millions of livres, and that whoever oppoſes this meaſure is an enemy to the State. *

Would he then make us believe that a paper which we are compelled to receive in payment, and

* Another member has ſaid that only *a malevolent being* could be an enemy to the aſſignats.

and which is not convertible into ſpecie at pleaſure, is not paper money; and that what was *formerly* called by that name, and is ſtill ſo called *elſewhere*, is very different from territorial paper? As well might he deny the exiſtence of light, when the ſun ſhines: this however he has endeavoured to eſtabliſh.

At the time of the firſt iſſuing of this paper it was ſaid: "Do not confound aſſignats which are "transferable, with paper money properly ſo "called, which is totally different from them; "confound not the repreſentative ſigns of a cre"dit eſpecially ſecured on real property, with "thoſe dangerous illuſions of our fathers, the fatal "effects of which are ſtill imprinted in the me"mory of their deſcendants." *

But why ſhould we not compare things the character of which is eſſentially the ſame? Every paper on which Government impreſſes the value of money, the circulation of which is compelled, and which is not conſtantly convertible into ſpecie, is *paper money properly ſo called*. But this definition, which has never been conteſted, agrees perfectly with the aſſignats: *they are a circulating paper, having the currency of money through the*

 whole

* Report of the Committee of Finances of the 9th of April, 1790.

whole kingdom, the acceptance of them as money is compelled, and they cannot be changed into ſpecie at pleaſure; they are therefore *paper money*.

But they have two acceſſary qualities which, without altering their nature, rank them in a particular claſs.

The one is, that, whereas other paper has only a general ſecurity on the entire maſs of the revenues of the State, theſe have a ſpecial ſecurity on property uſurped in the name of the Nation.

The other quality, which diſtinguiſhes them from ordinary paper money, and, in general, from all paper having no other ſupport than public faith, or other benefit than convenience, is that it has been thought proper to add to them the attraction of an intereſt of three per cent. which makes them participate in the inconvenience of loans.

I leave the reader to judge whether, in conſequence of theſe relations in kind, and theſe differences in mode, any injuſtice is done to the aſſignats by calling them paper money. Were it neceſſary to add an epithet to this name, conſidering the loſs they incur, notwithſtanding the advantages attributed to them, that which would ſuit them would not be in their favour.

However

However far I may always have been from approving, in any caſe, the introduction of a paper of compulſive acceptance, I ſhould not permit myſelf to publiſh any reflexion which might tend to weaken the reſource, that the diſtreſs into which the State is plunged has obliged the Aſſembly to ſeek in the creation of four hundred millions of aſſignats; and I ſhould make no farther mention of it, had not the abuſe which it was to be feared might be made of ſo dangerous an expedient manifeſted itſelf in ſo ſhameleſs a manner, and proceeded to ſuch an exceſs, that there is no good citizen nor perſon of ſenſe and diſcernment but muſt ſhudder to think of it.

In every age, and in every country in the world, to have recourſe to paper money has been conſidered as a ſign of diſtreſs, a fatal extremity, ever to be viewed with dread, and ſcarcely to be excuſed by the moſt diſaſtrous emergences.—At preſent our leaders, with the audacious confidence of men inſpired in adminiſtration, congratulating each other as having given birth to a marvellous idea, and tyrannically rejecting all diſcuſſion, laviſh on this fatal ſcourge the names " of the great means,—the juſt and ſalu-
" tary means,—the fruitful mine which Provi-
" dence has cauſed us to diſcover, in the midſt
" of the ruins of the ancient adminiſtration,

" to fill up the immenſe abyſs of the public " debt." *

Expreſſions equally emphatical had been employed in the Addreſs to the French, printed, by order of the Aſſembly, in the month of April laſt. It was affirmed that the iſſuing of aſſignats, which were then limited to four hundred millions, was the " ſaving of the State;" that by this " new and " immenſe reſource the nation was delivered from " all uncertainty, and had only need of union, " conſtancy, and firmneſs, for the operation of " this great mean to reſtore to the public trea- " ſury, to commerce, and to all the branches of " exhauſted induſtry, ſtrength, abundance, and " proſperity."

Six months have ſcarcely elapſed, and again we are told that it is neceſſary once more to have recourſe to this empirical receipt, which is extolled with redoubled quackery, at the ſame time that the doſe is quadrupled; and attempts have been made even to perſuade the people, that the more paper money there ſhall be in circulation, the happier they will be.

The ſucceſs of the firſt emiſſion of aſſignats has been urged.—But what was this ſucceſs! A paper

* Expreſſions of M. de Mirabeau the elder and M. de Beaumetz.

per which, notwithſtanding the landed ſecurity and continual intereſt annexed to it, has not been able to obtain the ſame favour as was poſſeſſed by that for which it was ſubſtituted; a paper, the circulation of which has only been eſtabliſhed by force, and which preſently ſunk in value five or ſix per cent.; a paper, the ſuperabundance of which Adminiſtration has declared to have increaſed its embaraſſment; a paper which has rendered our foreign trade more diſadvantageous, at the ſame time that it has occaſioned a greater ſcarcity of money and obſtruction to the circulation of ſpecie;—is this the invention, the good effects of which are ſo much to be boaſted? And even though it ſhould have been as beneficial as has been pretended, is this a ſufficient reaſon for multiplying it beyond all proportion? For, as has been well obſerved by one of the members of the Aſſembly, becauſe four grains of a violent medicine do not kill, are we to conclude that twenty, taken at once, will not prove mortal?

There is a certain quantity of ſpecie which it is neceſſary ſhould be in circulation, to ſupply the exigencies of life, and the demands of commerce; but this quantity is much more limited than thoſe who have made no inquiries on this ſubject would ſuppoſe. The uſual circulation of Paris amounts to about eighty or a hundred millions of livres; this is what is in motion; the remainder is ſtagnant, or only uſed in conſiderable negociations, and

and ſuch as, if I may ſo ſpeak, are eccentric to that daily currency which alone concerns the people, and ought principally to engage the attention of Government. Let the number of the ſigns repreſentative of money be increaſed by the multiplication of notes, of which the leaſt value ſhall be two hundred livres, and the acceptance of which ſhall not be compulſive, it can produce no inconvenience; becauſe the uſe of them, though a part may be employed in bargains of a certain value, can never abſorb the quantity of real ſpecie requiſite for the moſt neceſſary purchaſes, and the payment of workmen's wages. The larger the ſums are for which the notes are made out, the leſs is it to be feared that they will leave the ſuperior atmoſphere of great exchanges, and diſturb the courſe of interior circulation; eſpecially if no perſon can be compelled to receive them, and if they may at any time be converted into coin. Hence we ſee why the notes of the Caiſſe d'Eſcompte, when they were payable on demand, and while that bank was inviolably kept ſeparate from the Royal Treaſury, were a uſeful ſuccour to commerce, and invigorated the circulation of Paris, without depriving it of that quantity of ſpecie which is neceſſary. Hence alſo it appears that, if deſtructive ignorance, which corrupts and ruins whatever it touches, had not changed and debaſed this excellent inſtitution, it might have become ſtill more beneficial, by extending the currency of its notes to the provinces,

vinces, as I had in view to have done, by requiring a new ſecurity from the ſtockholders. Hence, alſo, we ſee the reaſon why in England, where the number of bank-notes in circulation is prodigious, the only conſequence is a great increaſe of riches, without any inconvenience or obſtruction to the circulation of ſpecie.

But if, inſtead of a fictitious money, which may be rendered equivalent to real, by the certainty of realizing it when we pleaſe, which being voluntarily accepted can never be detrimental, and which, not being too much ſubdivided, can do no injury to the currency of ſpecie, a forced paper money ſhould be introduced, and circulated with ſuch profuſion that it ſhall fill all the markets—if it ſhould be ſubdivided into notes much below two hundred livres, and even down to the value of a louis—if, in fine, theſe pieces of paper money, deſtined by their tenuity to penetrate into all the branches of interior circulation, ſhould be multiplied to a degree which exceeds the ordinary meaſure of this ſame circulation—it is then evident, and indubitable, that this tyrannical paper will put to flight the ſpecie, and that, being unable to ſupply its place in every reſpect, it can only reſtore it by being itſelf degraded; that it muſt loſe its primitive value, in the compound ratio of its own ſuperabundance and of the ſcarcity of money; that, by conſequence, the loſs muſt be prodigious, if it is iſſued to the amount of two thouſand

thouſand millions of livres; that this loſs muſt not only fall on the creditors of the State, but muſt deſcend from debtor to debtor, even to the loweſt of the people: that the conſequence will be, to the manufacturer, that it will be impoſſible for him to pay his workmen their wages; to the workman, that he will not be able to find employment; and to all who live only by their daily earnings, that it will not be in their power to purchaſe the neceſſaries of life: and hence will enſue an inundation of all thoſe evils and acts of violence which are the offspring of deſpair.

All theſe effects have been ſenſibly felt by the greater number of the trading towns *, and clearly pointed out by ſeveral of the moſt enlightened members of the Aſſembly, whoſe ſentiments on this ſubject having been publiſhed, have come to my knowledge.

The Biſhop of Autun has called the attention of the Aſſembly to the injury which the aſſignats for ſmall ſums, and of which the acceptance is compellable, muſt do to agriculture and induſtry; on the empoveriſhment which their abundance muſt occaſion among the country people, and artizans of every claſs, by deſtroying all proportion between

* Of thirty-four addreſſes from the principal trading towns, of which report was made to the Aſſembly on the 28th of laſt month, ſeven only have recommended the aſſignats.

tween the price of commodities and the price of labour, and by rendering every article of conſumption dearer, and thus diminiſhing conſumption. He has made the moſt judicious reflexions on the convulſive motions which the ſudden appearance or diſappearance of an enormous quantity of circulating paper muſt neceſſarily cauſe in the daily balance of exchanges, and in all the parts of the political œconomy; he has examined and analyſed with ſagacity all the exiſting relations between the ideal value of the aſſignat-money, and the intrinſic value of metal, which is at the ſame time money and merchandiſe; he has ſhewn the neceſſity of calculating their proportion, or rather the effects of their inevitable diſproportion, relatively to the exchange, and all the combinations of foreign commerce.

The opinion of M. de Landine ought to have made an equal impreſſion. To inconteſtable poſitions, excellently deduced from the motives on which is founded the preference that has been given, among all nations, to the precious metals above every other repreſentative ſign of the value of things, he has added a diſplay, equally juſt and eloquent, of the fatal conſequences which muſt be produced by this inundation of aſſignats, which pouring from the creditors of the nation on the poſſeſſors of property, who are the "true families of the State," and on the indigent claſs of people to whom they give ſubſiſtence, muſt hurry away with

with it, " like a devouring torrent, both the ware-
" houſes of our cities and the cottages of our la-
" bourers, diſſipate every fortune, ruin every ma-
" nufacture, and carry far away our real riches,
" leaving us only an imaginary wealth, a ſterile
" paper, incapable of fertiliſing our plains, and a
" thouſand domains, but not a ſingle piece of
" money to procure them cultivation."

I doubt not but the Abbé Maury, Meſſieurs de Montlauzier, Dupont, Bergaſſe, Deſmeuniers, Malouet, and all the men of ingenous minds, have in like manner exerted their talents, and made every effort to open the eyes of thoſe *who underſtand too little* of theſe matters, and unmaſk the views of thoſe who *underſtand them but too well.*

While I am making citations, I ſhould do wrong to take no notice of the laſt Memoirs which M. Necker has addreſſed to the Aſſembly. He has proteſted that " he never aſſented to the " propoſition" to create two thouſand millions of aſſignats, and that " he conſidered it as infinitely " dangerous." Though it appears that his word has now, for ſome time, loſt all credit, yet ought we to believe him, when he himſelf declares to what a degree he was daily embarraſſed to collect the quantity of ſpecie indiſpenſably requiſite for the moſt urgent payments; and in aſſiſting the manufacturers, merchants, and individuals of all ranks, to find the money without which they could not poſſibly

poſſibly have carried on their buſineſs. We ought to believe him, when, atteſting the exhauſted ſtate of the public Treaſury, he obſerves that it has already coſt prodigious ſums for obtaining ſpecie and procuring metal for the mint—and "that during "ſuch a ſituation of affairs, when the quantity of "paper money is already too great, to iſſue ſtill "more muſt unavoidably exite the utmoſt diſ-"content, and the loudeſt and moſt inceſſant com-"plaints and remonſtrances, not merely from any "particular claſs of the people, but from the whole "body of citizens;—that it would expoſe to riſk "the ſubſiſtence of the cities, at the moment when "the unlimited quantity of paper money ſhall "cauſe it to be refuſed in all the free markets;— "that it muſt render uncertain the payment of "the troops, that of the public works, that of the "charitable inſtitutions, and of all thoſe expences, "a delay in which muſt become an occaſion of "commotion and effervescence."

What muſt we think of the Aſſembly which pretends to govern France, if ſo many ſelf-evident reaſons, ſuch a view of imminent dangers, ſo clear a diſplay of the intereſt of the nation, and ſo many teſtimonies of the opinion of the whole kingdom, cannot arreſt it in its courſe, and at leaſt inſpire it with doubts, which, when the deſtiny of the State is in queſtion, may at leaſt be ſufficient to prevent it from putting any thing to hazard? What muſt we think, if, on ſo important an occaſion, and when

when the conſequences of the meaſures it ſhall adopt muſt be ſo irreparable, it ſhall ſuffer itſelf to be ſubjugated by the audacious harangues of thoſe to whom the ruin of the public is nothing in compariſon of their own private intereſt, or by the mad clamours of a multitude, which fortunately can never be conſidered as repreſenting the French people?

Can we believe that this people, however frivolous and credulous we may ſuppoſe them, can ever ſo have forgotten the terrible cataſtrophe occaſioned, at the beginning of the preſent century, by the abuſe of the ſyſtem of Law, as to ſee without alarm an operation which ſeems to proceed in the ſame track? And even though this ſhould have been effaced from their memory, would it not have been recalled by the very recent example of what paſſed under the eyes of many thouſands of the French nation, with reſpect to the paper money created by the United States of America? Is it not known that this paper, *territorial* like ours, ſunk in value 95 per cent., and led, as Mr. Payne had predicted, to a bankruptcy; that ſome years before, the paper of Penſylvania, ſecured on the fineſt lands of that province, did not meet with a better fate; that the paper of Sweden has been productive of like pernicious effects; that the paper of Ruſſia is at preſent ſunk in value 35 per cent.; and that the paper the abuſe of which I put a ſtop to in the Iſles of France and Bourbon, ruined

ruined the State, by favouring the greateſt diſorders? How then is it poſſible to hope that what has no where ſucceeded, even in the midſt of the greateſt tranquillity, can be attended with ſucceſs in France, during the moſt tempeſtuous criſis; and that with a few rhetorical harangues and phraſes it may be poſſible miraculouſly to eſtabliſh confidence and ſecurity, notwithſtanding the diſquietude and alarm already ſpread through the kingdom by the mere announcing of the project, and by the publication of opinions concerning it, which have unveiled all the dangers to which it is expoſed?

I cannot however fear that the Aſſembly will venture to diſregard all theſe conſiderations: but may not that be admitted in part, which is acknowledged to be impracticable in the whole? May it not be imagined that the State may be preſerved from being overwhelmed by an abyſs of evils, by only plunging into them half way? And may not the Aſſembly, preſſed by the embarraſſment of the moment and the fear of the future, act as numerous bodies almoſt always do; may it not too eaſily yield to the deceitful idea, that the ſolution of all difficulties may be found in a medium which, on the contrary, only unites the inconveniences of both extremes? The appearances preſented by the progreſs of the diſcuſſion, of which I know not yet what will be the iſſue, give reaſon for ſuch an apprehenſion; and without knowing

whether my obſervations on this ſubject will come too late, or whether a prudent delay, which the diverſity of opinions ſeems to render probable, will afford me time to give them to the world before the deciſion of this great affair, I ſhall proceed to throw them haſtily on paper, reſolved, even in caſe the queſtion ſhould be precipitately determined, to ſuffer them to remain with thoſe others which I have determined to give the world on the operations of the Aſſembly, in hopes that they may be of uſe for the general reviſion, which I perſuade myſelf muſt ſoon be acknowledged to be neceſſary.

The ſubject to be diſcuſſed is, therefore, no longer an emiſſion of two thouſand millions of aſſignats, but only one of eight hundred millions, which, added to the four hundred already iſſued, will make the total amount twelve hundred millions. It appears probable that the Aſſembly will be induced to this meaſure by two motives.

1ſt, Becauſe it will wiſh to accelerate the ſale of the national property; 2dly, becauſe it will believe that the iſſuing of theſe aſſignats will reſtore the finances, and ſave the State. I ſhall proceed to prove that, with reſpect to both theſe ends, the means propoſed will be at once ineffectual and unjuſt; that it will bring on us all the evils that are to be feared, without procuring the advantages that are hoped.

Of

Of this total of twelve hundred millions, which I ſhall henceforth ſuppoſe to be the amount of the aſſignat-money, it appears to me that we cannot expect more than the half to be actually employed in the purchaſe of the national domains, becauſe the other half will conſiſt of, 1ſt, the ſmall aſſignats for ſums under two hundred livres, which will remain in mercantile circulation; 2dly, thoſe which will be employed in the payment of taxes, for which as much of this kind of money as can be will be paid; 3dly, thoſe which ſhall be given to neceſſitous creditors, preſſed by debts and wants, and not in a condition to purchaſe. We cannot therefore reckon more than ſix hundred millions, which may reaſonably be expected to be employed in the purchaſe of the property ſtyled National.

But ſix hundred millions are not the third part of the ſum which will be required for the purchaſe of the whole of this property; and, beſides, nothing is leſs certain, nor even leſs probable, than that thoſe among whom theſe ſix hundred millions of aſſignats ſhall be diſtributed, will be inclined to purchaſe with them landed property, the alienation of which, whatever may be ſaid concerning it, cannot appear inconteſtable, and certainly is not conſidered as ſuch by thoſe who think that, though it ſhould be true that the nation may, by the law of the ſtrongeſt rather than that of juſtice, ſeize on property which it has more than once ac-

knowledged to appertain to the church, it is at leaſt neceſſary that it ſhould itſelf have declared that ſuch was its will, and have ratified the invaſion made in its name, before ſuch property can be conſidered as permanent and tranſmiſſible. As ſuch a mode of thinking is conformable to all the maxims of law and reaſon, it is at leaſt poſſible that doubts may ariſe; and that, in conſequence of theſe doubts, paper which at ſome loſs may be converted into money, may be preferred to lands which there is a danger of loſing entirely.

Thus the new emiſſion of aſſignats, which in any caſe will only be ſufficient for the purchaſe of a ſmall part of the national property, will not even be employed in purchaſing that, if, either from neceſſity or diſtruſt, the holders of them ſhould rather chooſe to pay them away, or ſell them, than employ them in making acquiſitions, their right to which muſt appear doubtful.

The only thing which can induce us to preſume that *the public debt which ſhall be converted into aſſignats ſhall again be converted into national domains, is the probable degradation of the value of this paper,* becauſe, in fact, the more it ſhall be depreciated in the market, the more will the holders of it be inclined to ſeek another iſſue for it; and if this fictitious money ſhould ſink exceſſively in its value, from its too great abundance, as it probably will, it will be forcibly impelled toward

toward purchaſes, which will then be its only refuge.

Here becomes manifeſt an injuſtice the moſt ſhameful and moſt unworthy of a great State, which would thus be transformed into "a jobber "deriving advantages from the depreſſion of the "funds," to uſe the expreſſion of M. Necker. It is true he elſewhere calls this mode of conſtraining perſons to become purchaſers, by diminiſhing the value of the means of payment, "a vaſt idea;" but it is, on the contrary, only a very narrow ſpeculation, pregnant with the moſt iniquitous ſpirit of ſtock-jobbing, and which only proves that its authors have believed it was in their power to debaſe the Government to their own level.

But if it is unjuſt and vile to make bad payments of our debts, in order to compel perſons to buy what we wiſh to ſell, it is ſtill much more unjuſt to ſell the property of another, and enable ourſelves to pay by ſeizing what is not our right. This latter conſideration, the moſt deciſive of all, cannot be urged by any of the members of the Aſſembly; becauſe all being reputed to have co-operated in its decrees, no member can, while he continues to make a part of that Aſſembly, diſpute their validity. The remonſtrances and proteſts of the members of a deliberating body againſt the decrees paſſed when they made a part of it, are ill-placed and incongruous, unleſs accompanied by their reſignation.

But every other citizen, every other member of the collective body from which the powers of the representative body have emanated, poſſeſſes a right to complain of the manifeſt abuſe of theſe powers; he poſſeſſes a right to remonſtrate on the meaſures that are in direct oppoſition to the mandates in the framing of which he has participated, either immediately or mediately; he poſſeſſes a right to call on the whole nation to examine and decide on the points which are contradictory to what it had preſcribed, and to appeal to the twenty-five millions of his colleagues, relative to the tranſgreſſion of the powers they had delegated.

I avail myſelf of this right; and imagining myſelf in the midſt of a national convention, where I may be permitted to queſtion, in the preſence of the people, thoſe who, when the Clergy offered to aſſiſt the State with four hundred millions of livres, which without any violence or diſturbance of public order would have been of the greateſt utility, have rather choſen to deſpoil them tyrannically, ſcandalouſly, and without any profit, of the whole of their property, become by the ſuppreſſion of tithes unequal to the charges annexed to it,—I addreſs them thus: By virtue of what right, or under what pretext, have you permitted yourſelves to violate the law which is the ſafeguard of property, the foundation of all civil order, and the firſt of public benefits? What can have induced

you

you to be guilty, without any utility whatever, of an infraction of this law, for which no political advantage can be an excuſe?

There was no other means, you reply, *to ſave the State.*

It is proved, on the contrary, even by the confeſſion of your own Committees, that, deducting the tithes which you have aboliſhed, the remainder of the eccleſiaſtical revenues is far from being ſufficient to defray the expences of public worſhip, the maintenance of the miniſters of religion, the penſions of the monks and nuns, the ſupport of the ſeminaries, and the building and repairing of churches, &c. that the ſurplus, which muſt be furniſhed from the public treaſury, will exceed fifty millions, or even fifty-ſix, if we add the debts of the clergy. Is it then ſaving the State, to load it with an increaſe of burdens, which muſt neceſſarily, at laſt, fall upon the people? But, beſides, will you dare to affirm that the ſafety of the State required the overthrow of the principles which are its ſupport? Can what is unjuſt be uſeful? Can it ever be ſalutary, is it not on the contrary always of fatal conſequence, to violate the law which ſecures to every one the poſſeſſion of his property?

The poſſeſſions of the Church are not its property.

Strange paradox! By what ſophiſms do you imagine you may be able to deſtroy ideas which have been received among all nations?

Eccleſiaſtics are only uſufructuaries.

Doubtleſs. Of the property which the body of the Clergy collectively poſſeſſes, its members individually have only the uſufruct; but is not the uſufruct to be placed among the number of inviolable poſſeſſions? We are only uſufructuaries of life; but is that any reaſon we ſhould be deprived of it?

The Clergy itſelf has no property.

What can you mean by this poſition? Does a legal poſſeſſion, held without diſpute, during a long ſucceſſion of ages, differ in law from a real property? Are you ſerious, when you maintain that lands which have been given and legally tranſmitted to the Clergy by thoſe to whom they appertained, and which they have cleared, improved, and increaſed in value to a hundred times their original worth, and in the poſſeſſion of which they have been confirmed by all the Sovereigns of the kingdom, do not appertain to them as proprietors? In whom then did the right to them reſide, during this immemorial poſſeſſion?

In the Nation.

That is to ſay in nobody; for what appertains to all, appertains to no one. The founders and endowers of churches diſpoſed of their lands with a view to the public benefit, but they did not give them to the public; they aſſigned them for the ſervice of religion, and for the relief of the poor. The public has no other concern but to ſee that they are applied to the uſes for which they were beſtowed; and if the acts by which this property was transferred, after having been conſidered as inviolable for thouſands of generations, have on a ſudden been annulled by your ſingle will, can you deny that, in that caſe, this property ought to revert to its ſource, and return to the donors or their heirs? What reply could you make to their remonſtrances, ſhould they lay claim to it?

The State having undertaken to provide for all the purpoſes to which it was appropriated, this property has now devolved to the State.

Such however was not the intention of the endowers; they did not think, like you, that to give their wealth to the public treaſury, was as certain a method of having it applied to the pious purpoſes to which they meant to appropriate it, as beſtowing it on the church; and ſtill leſs would they have thought ſo, could they have foreſeen the ſyſtems and innovations which you have wiſhed to

ſubſtitute

ſubſtitute for the principles and faith of our fathers. As they have however annexed another condition to the diſpoſition of their property, that is ſufficient to preclude any alteration being made in it, without the right of their ſucceſſors reviving, excluſive of every other claim. To confiſcate the property, after having turned out thoſe who were in poſſeſſion of it, is to add injuſtice to injuſtice, and to be more deſpotic than any deſpot has ever been. How abſurd is it, beſides, to diſpoſſeſs the Clergy of their property, under the pretext that *a corporate body cannot poſſeſs property*; and afterwards to veſt it in the State, as if the State where not likewiſe a collective body!

It is repugnant to the idea which we have formed to ourſelves of the principles of a good conſtitution, that there ſhould exiſt in the State an eccleſiaſtical corporation, poſſeſſing a very conſiderable maſs of property; and to leave it in poſſeſſion of it, would expoſe us to the danger of again falling under the yoke of deſpotiſm.

At length, then, we have arrived at the true motive of all your uſurpations and all your deſtructions. Seek no longer to conceal it beneath the too tranſparent veil of your idle ſubtleties. Baniſh thoſe ſubterfuges which can now no longer miſlead; and baniſh alſo the term *Deſpotiſm*, which has ſerved you as a watch-word, at which to rally, but which was never leſs applicable

applicable to France than under the reign of Louis XVI. According to you, *Deſpotiſm* and *Royalty* are ſynonymous; and it is againſt *Royalty* that your attacks are levelled. Whatever tends to the ſupport of Royalty, you declare to be incompatible with the Conſtitution; and that no power may remain capable of defending it, you find it neceſſary to annihilate all great corporate bodies; and after having deſpoiled them of their property, you now do not heſitate to riſk the utter ruin of the State, that this property may be ſpeedily ſold, and that its diſtribution among a number of new poſſeſſors may ſtrengthen your uſurpation.

It is not to the whole Aſſembly that I here addreſs myſelf; I ſpeak only to thoſe who lead it aſtray, by concealing the goal towards which they hurry it under a ſeducing veil. To them I ſay: Your object, as you yourſelves will not deny, is to deprive the Clergy of all hope, and complete their ruin. This, if we acquit you of all intereſted views on their property and that of the public, is what we muſt believe to be your aim in the deſtructive meaſure you propoſe, and this muſt be its inevitable conſequence. But what is the advantage which is to accrue to the people, whoſe relief you pretend to ſeek? Though you continually employ them to obtain your ends, what do you do for them? Nothing, abſolutely nothing: on the

the contrary, all your projects tend only to increaſe their burdens. You have rejected, to their prejudice, an offer of four hundred millions of livres, which might have been an effectual means of affording them relief; and for this reſource, equally legal and profitable, you have ſubſtituted a meaſure ruinouſly unjuſt, which, by your own confeſſion *, loads the public treaſury, and conſequently the people, with an increaſe of annual expence to the amount of at leaſt fifty millions, and a reimburſement of one hundred and fifty millions.

Unhappy

* The Committee of Finances ſuppoſes that the revenue of the property of the Clergy, which it calls *National Domains*, including the Royal Domains, may ſuffice to defray the expences of public worſhip, reduced as they have been; and acknowledges that it will, beſides, coſt the State fifty millions *per annum* for the penſions of eccleſiaſtics, religious perſons, &c. It likewiſe admits the neceſſity of paying off the debt of the Clergy, which amounts to one hundred and forty-nine millions four hundred and thirty-four thouſand livres. The report made by the Committee of Tithes, on the 9th of April laſt, eſtimates the expences of public worſhip at a higher amount; and the Biſhop of Nanci ſhewed, at the time, that in this ſtatement ſeveral indiſpenſable articles had been omitted. Though the incomes of the Prelates and Miniſters of the church have been reduced exceſſively, and I may ſay even to an indecent degree, it is nevertheleſs certain that the annual produce of the property of the Clergy, deduction being made for the loſs it has ſuffered, and the expences of management, which will be enormous, cannot be ſufficient to defray the expence of public worſhip.

Unhappy people! ſuch are the advantages which finally reſult to you from the ſeizure of the property of the church, and the harſh and oppreſſive decrees againſt the miniſters of the altar. Thoſe miniſters of a beneficent religion once afforded you ſuccours, but henceforth they muſt be a burden to you: their charity relieved the poor; but now you muſt be taxed to maintain them. I know that while I reveal to you this truth, of which it is juſt you ſhould be informed. I irritate thoſe who deceive and miſlead you; but this gives me no concern. Becauſe I ſhew you your real ſituation, and your true intereſt, they will ſay that I excite you to inſurrection *. But what is it they do, by deceiving you? Whither have they led you, by abuſing your credulity?—You are become cruel perſecutors of thoſe who gave you the means of life, and blind followers of thoſe who ſacrifice you. What can they deny, when I only argue from their own confeſſions, and make their

* When, in 1787, I publiſhed a ſhort advertiſement, in which I had no other view than to inform the miſguided public what were my real intentions, and what the leſs wealthy would gain by the ſuppreſſion of privileges, I was loudly accuſed of wiſhing to raiſe the people againſt the two higher orders of the State. It would be not a little ſingular, if I ſhould be at preſent charged with an intention to induce them to riſe in their favour. As this Advertiſement, which greatly contributed to my diſgrace, and which has been cenſured for its imprudent harſhneſs, is certainly almoſt forgotten, I ſhall give it at the end of this work, that the reader may judge of the difference of the times.

their own calculations the baſis of all my ſtatements? When they have alledged the extreme neceſſities of the State, to authorize their uſurpation of property, and afterwards alledged their exceſſive embarraſſment as a reaſon for their inundating the State with paper money, have they not themſelves pronounced their own condemnation?

But let us conclude our proof that neither this violation of property, nor the aſſignats which have been invented to aid and ſupport it, can be of any real ſervice to the State; and let us demonſtrate to him who, when he gave his opinion, declared, by a juſt ſelf-condemnation, *that he ſhould be inconſolable if, from the rigour of the decrees againſt the Clergy, there ſhould reſult no benefit to the affairs of the State*, that unhappily he has every reaſon to be inconſolable.

He is of opinion, and with reaſon, that to admit the debts due from the State in payment for the property put up to ſale, by delivering to the creditors a financial receipt, or other titles of liquidation, would be preferable to an immoderate effuſion of paper money. But theſe titles, which muſt bear intereſt, would not of themſelves be productive of any relief to the public treaſury, nor in any degree tend to accelerate the ſale of the national property, which the Aſſembly has ſo much at heart. Until that ſhall be diſpoſed of, the public debt will continue to be equally burdenſome,

denſome; and nothing can be ſuppoſed to induce the holders of this paper, which would be at once negociable and productive, to diſpoſe of it for lands, the poſſeſſion of which would be leſs ſecure and leſs advantageous.

It would be ſtill worſe to aſſociate the financial receipts with the aſſignats, and put them in competition, by giving the creditors their choice of either kind of theſe papers, one of which ſhould be free, but bear intereſt; while the other ſhould bear no intereſt, but have a forced circulation. What would reſult from this accumulation of different kinds of paper, added to the enormous maſs of that which already exiſts? They would deſtroy each other by the different ſpeculations, which would take place with reſpect to them, and prove the ſource of the moſt pernicious ſtock-jobbing; they would in no manner contribute to promote the ſale of the domains; but be doubly inconvenient, by uniting what is burdenſome in one kind of theſe papers, to what is dangerous in the other.

The only reſource, therefore, muſt be ſought in the aſſignats, and in that portion of thoſe which may be expected to be employed in the purchaſe of the domains, but which will not be ſo employed, ſo long as the ſhadow of a doubt ſhall remain with reſpect to the validity of the title given to the property by the ſale of it; and this muſt remain,

ſo

ſo long as any ſhadow of juſtice ſhall remain in France: and while the ſmalleſt doubt continues, prudence will adviſe the holders of the aſſignats not to be precipitate; advice which will be the ſooner taken, ſince intereſt will have nothing to ſuggeſt againſt it, as it might have done if the ſum of the aſſignats had equalled or exceeded the value of the property offered to ſale; becauſe then the fear of being too late might have ſtimulated thoſe who were in poſſeſſion of great quantities of aſſignats, eagerly to have become purchaſers; whereas they are now certain, from the inſufficiency of the number, that, without ſuffering themſelves to be hurried away by an inconſiderate precipitation, they will always find more than the half of theſe domains unſold.

If, therefore, as has been boldly aſſerted by the great advocate for the largeſt emiſſion of aſſignat-money, which he calls *territorial ſpecie*; if *the effective ſale of the property* termed *national, be the foundation on which all the hopes* of the Aſſembly *reſt—the corner-ſtone of the edifice* which it erects—*the foundation of the whole ſyſtem of the reſtoration of the finances*; theſe hopes, this edifice, and this reſtoration, muſt appear extremely precarious. *The conſtitution*, adds he, *is overthrown, calamity inevitable, and France in a ſtate of diſſolution, if the ſale of the national property is not completely effected.* I do not perceive that the firſt part of this prophetic menace muſt neceſſarily be followed by the two latter;

latter; I do not perceive that France muſt be in a ſtate of diſſolution, if it ſhould again become what it was before it fell a prey to pernicious ſyſtems which have reduced it to its preſent condition. Nothing appears to me leſs to reſemble a body in a ſtate of diſſolution, than that ſolid conſiſtence of cohering forces which, for ſo many ages, has made our country reſpected by the whole world. But, in fine, ſince, according to the prophetic orator, without a new conſtitution there can be no ſalvation, and without the ſale of the uſurped property no conſtitution, why did he conclude by yielding to a mitigation of his ſyſtem, which reduces the poſſibility of this ſale to one quarter, or, even ſuppoſing what is improbable, to one half at moſt, of the whole property? Without the new aſſignats (though there were already to the amount of four hundred millions of them *in circulation*) there could not, he has told us, have exiſted *any means of purchaſing*; and thoſe who imagine that, without their aid, *the affairs of the State may be retrieved from their ſtagnation*, ſeem *not to know that nothing can be made out of nothing*. Whence is it then that he has been contented to raiſe us above nothing only by one quarter, eſpecially when that quarter, by its approach to the preceding nothing, has a very natural tendency, if we may judge from analogy, to become confounded with it? For if four hundred millions of aſſignats have only been a cypher, relatively to the ſale of the domains, it is to be preſumed that double the

number of theſe aſſignats will only be two other cyphers; and three times nought, is nothing.

But it is loſs of time to ſtay to refute mere phraſes. I ſhall therefore here conclude my remarks on the ſentiments of M. Mirabeau, never more to return to them; and to prove to the Prelate whoſe error I lament, that he has reaſon to be inconſolable for having ſuppoſed the ſafety of the State depended on an act of injuſtice, I ſhall proceed to demonſtrate to him that, even when, by the expedients propoſed, the ſale of a part of the property of the church ſhall have been effected (I will even ſay, when the whole of it ſhall have been ſold), the affairs of the State will not be retrieved by this inſufficient means, nor the finances reſcued from the abyſs into which they have been precipitated, nor the kingdom extricated from the the criſis in which it at preſent is, nor ſecured from that by which it is threatened. I requeſt this Prelate, who is worthy of being made judge in his own cauſe, to lend an attentive ear to my obſervations on this ſubject.

I have aſſerted and proved, that it is not to be preſumed that more than ſix hundred millions of aſſignats will be employed in the purchaſe of the domains which are offered to ſale. Theſe ſix hundred millions will pay to the amount of thirty millions of the intereſt of the debt now due, and the expenditure will be diminiſhed by the ſame

ſum.

ſum. But the revenue of the lands ſold muſt be deducted from this ſum; and reckoning that at the rate of thirty years purchaſe, a price at a medium ſufficiently advantageous, this will amount to twenty millions. There only remains therefore ten millions for the relief of the public treaſury, burdened as it is with a deficiency of more than two hundred and fifty millions. And can this retrieve the affairs of the State, and effect the reſtoration of the finances?

But I ſhall go farther, and ſuppoſe, contrary to all probability, that to the amount of a thouſand millions of aſſignats are already converted into land, which will only leave two hundred millions of theſe aſſignats in circulation; a number certainly too ſmall to ſupply the place of the ſpecie that has diſappeared, ſatisfy the preſſing demands of commerce, and revive the circulation from its languid ſtate. But in this, as in every thing elſe that I have advanced, I grant more than can reaſonably be aſked, to deprive my opponents of the ſlighteſt pretext for contradiction. Thus we ſhall have fifty millions for the payment of the intereſt of a thouſand millions of debt; but, at the ſame time, there is a draw-back of thirty millions to be allowed for the revenue of the lands: there is therefore only a gain of twenty millions, to ſupply the annual wants; which is but as a drop of water offered to a perſon expiring with thirſt.

But, laſtly, without regarding the limits that have been fixed to the aſſignats (I this moment learn the determination), and foreſeeing that theſe boundaries muſt ſoon be paſſed, which unhappily is but too much to be feared; let us ſuppoſe that, notwithſtanding the regulation, continually eluded, which preſcribes that all the paper money which ſhall re-enter the public treaſury, in payment for the alienated domains, ſhall be immediately committed to the flames; let us ſuppoſe, I ſay, theſe aſſignats continually to be reproduced, and multiplied in ſuch abundance, that they ſhall pour in immenſe quantities into the market open to receive them, and be engulphed, never to return. This, I believe, is the moſt favorable chance that can be imagined to complete the wiſhes, both of thoſe who attach the ſafety of the State to the ſale of the national property, and of thoſe who, calling this ſale *a certain and active inſtrument of the Revolution*, judge it abſolutely neceſſary that the corporate bodies who have been deprived of their offices or their eſtates, *ſhould likewiſe be deprived of the ſmalleſt ray of hope**.

Yet even on this ſuppoſition, in which I admit that the whole of the property attributed to the nation ſhall be ſold to its profit, you who have declared that you ſhould be inconſolable, ſhould

* Diſcourſe of M. de Mirabeau, p. 13 and 16.

ſhould this ſale not retrieve the affairs of the State, will find that you have every reaſon for regret and remorſe. Judge yourſelf, whether I am in the wrong, when I announce to you this harſh truth.

The property ſtyled national is eſtimated at two thouſand millions of livres. Its value cannot be ſuppoſed greater, ſince, in its preſent ſtate, it ſcarcely brings in ſixty millions; and, certainly, to ſell eſtates, to the amount of two thouſand millions of livres, at the rate of thirty years purchaſe, is to ſell them extremely well.

Its total produce may, therefore, pay off an equivalent capital, and conſequently diſburden the State of a hundred millions of intereſt, by cauſing it to loſe ſixty millions of revenue; and this appears to preſent a reduction of forty millions in the exqenditure.

But ſuch a reduction will be expoſed to many draw-backs, by the unavoidable conſequences of the operation by which it is produced.

1ſt, I do not underſtand how the State can ſo lightly diſengage itſelf, as the Aſſembly declares in its laſt decree, from the intereſt of three per cent. annexed to the aſſignats of the firſt emiſſion. I am tempted to believe that the copy which I have ſeen of this decree is not accurate; and that *ſome enemy to the revolution*, ſome *malevolent being*,

has wiſhed to decry, previous to its appearance, the *territorial ſpecie*, by ſtamping it with breach of faith on the day of its birth. How can I believe that the Aſſembly, which knows well how neceſſary it is its word ſhould be confided in, and of what importance the ſtability of its financial decrees is to the ſupport of the national credit it wiſhes to eſtabliſh, ſhould not ſcruple already to violate the engagement it had entered into, ſix months ſince, with the creditors of the State? an infraction the more alarming, as it would be the ſecond innovation, with reſpect to the ſame object, within nine months; for it cannot be forgotten that the four hundred millions of aſſignats which were created by the decrees of the 19th and 21ſt of December 1789, were to bear an intereſt of five per cent.; but that, by the following decree, it was enacted that, "inſtead of five per cent. intereſt "for each year, which had been annexed to them, "only three per cent. ſhould be allowed, reckoning from the 15th of April; and that, from that "day, the *Caiſſe d'Eſcompte* ſhould ceaſe to receive five per cent. for the aſſignats."

The ſame decree enacts "that the reimburſements ſhall take place ſucceſſively, by way of lot, "as ſoon as the ſum of one million ſhall be "realized in MONEY, on the obligations given by "the Municipalities for the property they ſhall "have purchaſed, and in proportion as the patriotic contributions ſhall come in." The other

other articles of the ſame decree confirm and corrobate the obligation of annexing an intereſt of three per cent. day by day, to each aſſignat, above the principal, and to pay it only in *money*.

It is eſpecially declared, by Article 9, that, "until the ſale of the national domains ſhall be "effected, the revenue ariſing from them ſhall be "paid, without delay, into the *Caiſſe de l'extra-* "*ordinaire*, to be employed in the payment of the "intereſt of the aſſignats; and as the money pro- "duced from the ſales made by the Municipalities "of this property ſhall come in, it ſhall be like- "wiſe paid into the ſame; its produce, and that "of the loans which ſhall be made, not being to "be employed, under any pretext, but for the "payment of the intereſt of the aſſignats, and "their reimburſement." Is not this a moſt preciſe, abſolute, and ſolemn engagement?

What motive can render an infraction of it excuſable? Can it be becauſe new aſſignats are iſſued?—But it would ſurely be ſingular to make this a reaſon for failing in the fulfilment of what had been ſtipulated for the old ones; and to endeavour to erect the credit of the future paper-money, by a bankruptcy with regard to the preceeding!—*Bankruptcy*; I am ſenſible how harſh this word muſt appear to the National Aſſembly, and am well convinced that it is very far from any intention to merit the reproach. It has very com-

mendably manifeſted that it holds it in horror; and has conſidered as inviolable, and placed under the protection of the nation, all the engagements of the State, without wiſhing to notice in the leaſt to what degree they were diſadvantageous or exceſſive. But how can it violate, with reſpect to its own engagements, that fidelity of which it has made, in the face of the world, the moſt ſolemn vow, even with regard to engagements to which it had not ſet its ſeal? And can any one deny that to pay, in paper money, without intereſt, a paper money with intereſt, ſtipulated to be only reimburſable in ſpecie; and, in the ſpace of nine months, to reduce five per cent. to three, and three to nothing; is, if not an abſolute bankruptcy, at leaſt that which bears the greateſt reſemblance to it, and a meaſure replete with that pernicious infection which, wherever it approaches, taints and deſtroys all credit?

Will it be alledged that it was unreaſonable to annex an intereſt to a paper money; and that, as this act was detrimental to the State, it poſſeſſed a right to annul it?

It is by ſheltering itſelf under ſimilar pretexts, that Deſpotiſm undoes one day what it has done on the preceding; it is in conſequence of ſuch maxims, that the credit of France has become extinct; but it is not by again having recourſe to them, that it can be revived. Is it ſufficient, in an affair

affair which depends entirely on the confidence repoſed in the perſon contracting, for that perſon to alledge that he has entered into an unreaſonable engagement, in order to acquire a right to break his promiſe with impunity? And would not the forfeiture of all confidence be the juſt puniſhment of the man who ſhould not bluſh to alledge, in order to free himſelf from an obligation, that he had injured himſelf by contracting it? Good faith is not leſs indiſpenſable to a nation than to an individual; and to violate it, is much more pernicious to a kingdom than it can be to a private perſon. Would any wiſe ſtateſman, to gain twelve millions of intereſt, ſacrifice the immenſe reſource of public credit, at the very moment too when it is propoſed to make the moſt unbounded uſe of it? Would not this be the height of abſurdity?

The laſt ſubterfuge, to ſhun the reproach of a breach of faith, would be to alledge that the holders of the firſt aſſignats, who are deprived of the benefit they had legally acquired, have no right to complain, becauſe they are at liberty to reimburſe themſelves by exchanging theſe aſſignats for national domains. But if they are at liberty, they are not compelled: they preſerve therefore all their rights, though they ſhould not employ the aſſignats in the purchaſe of theſe lands; and it was their right to receive an intereſt. The power of converting the aſſignats into domains is not a new favour; they poſſeſſed it from the firſt moment

moment they received them: it cannot therefore be repreſented as a compenſation for the loſs of that intereſt to which they were entitled at the ſame time. Beſides, every perſon is not in a ſituation to purchaſe lands; and it is the duty of a juſt and humane Adminiſtration eſpecially to protect and favour thoſe whoſe condition will not permit them to do what is only ſuitable to perſons of eaſy fortune; but it is ſurely neither juſt nor humane to reply to all thoſe who may complain of being deprived of an intereſt which was their due, that they have only to purchaſe lands.

And if this intereſt has been hitherto the vehicle of the circulation of the aſſignats, and the baſis of their negociation; if it is in the hope of preſerving it, and in reliance on the promiſe of a reimburſement in money, that the aſſignats have been received, purchaſed, and tranſmitted from hand to hand; is it not to injure the State, and overturn an infinity of ſocial conventions, ſuddenly to change the conditions which have been their ſupport? How is it poſſible that the aſſignats ſhould not fall exceſſively in the market, if, at the ſame time that their quantity is tripled, their value is leſſened?

I grant that it muſt have appeared difficult to bring into competition two kinds of paper money, the one productive, and the other not productive of intereſt; but this difficulty is one of the vices inherent

inherent to the plan of the new emiſſion; and the ſolution of it ought not to have been ſought in the much greater inconvenience of an act of injuſtice diſhonourable to the nation, and deſtructive of the credit of its paper. I cannot therefore perſuade myſelf that the Aſſembly, which pretends that this paper is better deſerving confidence than any which exiſts, or has before exiſted, can have been guilty, at the time of creating it, of ſo great an abſurdity: it appears to me leſs improbable that its decree of the 29th of September has been falſified, or ill underſtood.

Conſequently, deducting the twelve millions of intereſt on the four hundred millions of the firſt aſſignats, from the forty millions to which is reduced the benefit that the State will derive by ſelling, for two thouſand millions of livres, the whole of the property of which it has taken poſſeſſion, this benefit can only be conſidered as an object of twenty-eight millions. But, that I may always give full meaſure, and provide a compenſation for any error that may lurk in an eſtimate of lands the value of which is not known, I ſhall paſs over theſe twelve millions, and return to the forty before ſtated, excepting the abatement which may appear neceſſary in conſequence of the following obſervations.

The firſt is, that, until the enormous maſs of aſſignats which will be requiſite for the purchaſe of

of the whole of the national property ſhall have been returned into the public treaſury, and withdrawn from circulation, there muſt certainly be a great advance in the price of commodities, and the daily wages of workmen. Government muſt therefore pay more for all it contracts for, and the conſequence muſt be a great increaſe in the public expenditure.

The ſecond is, that it is naturally to be expected that almoſt the whole of the contributions and ſubſidies will be paid in aſſignats; and that the royal treaſury, being in want of the quantity of ſpecie abſolutely neceſſary for the pay of the troops and workmen, and for the odd money of the annuities, will be under the neceſſity of ſuſtaining a conſiderable loſs on the aſſignats, to convert them into money; and if coin, now become merchandiſe, growing ſcarcer and ſcarcer, ſhould not be found in ſufficient quantity to ſupply the demands of the public treaſury, and at the ſame time ſuffice for thoſe of commerce and daily circulation, it will be neceſſary to procure gold and ſilver from foreign countries, which will not be leſs expenſive, and which, by the exceſſive fall of the exchange, will become a third cauſe of loſs.

There will alſo be ſeveral other cauſes of loſs, relative to all the branches of foreign commerce, the exportation of ſpecie, and the placing of money in foreign funds. I ſhall only point them out, without

without entering into any detail, becauſe I have already ſaid enough to prove, to any one who is able to eſtimate the force of the ſide-blows which the public treaſury muſt receive from every thing that attacks the ſources of the riches of the kingdom, that if there be a gain of forty millions made by the ſale of the national domains, this gain will be abſorbed, or perhaps more than abſorbed, by the increaſe of expence which the aſſignat-money, iſſued in a quantity proportionable to the price of theſe domains, muſt occaſion. One word more will be ſufficient to remove all doubt of this. Let us ſuppoſe the royal treaſury, receiving almoſt the whole revenue of the State in aſſignats, as has been already found by experience to be the caſe, although the quantity iſſued was only four hundred millions; let us ſuppoſe it, I ſay, nevertheleſs able to pay one half of the expenditure, or about three hundred millions, in ſolid coin, and that it only ſuſtains a loſs of ten per cent. in converting the aſſignats into money, or, which is the ſame thing, that the contractors and others employed by Government receive them at one tenth under their original value; we ſhall thus find that, in the ſingle article of payments, there will be a deficiency of thirty millions to be deducted from the forty of the pretended gain: * the other articles

* The fear of appearing to augur too gloomily of the future, prevents me from ſtating the reaſons that incline me to apprehend it will be abſolutely impoſſible to defray the expences

cles muſt ſwallow up the remaining ten; and this great operation, which was to ſave the State—this *fruitful mine*, which Providence has diſcovered to the Aſſembly, is abſolutely reduced to nothing. It would not even be a pleaſing dream; for it would be an act of injuſtice, as fatal in its conſequences as unproductive in its effects.

I have, perhaps, but too well demonſtrated this, unawed by the fear of the anathemas which the aſſignat-mania has previouſly fulminated againſt all thoſe who ſhall not pay reſpect to the *territorial paper-money*, or who ſhall teſtify doubts on the poſſibility, lawfulneſs, and utility of the ſale of the property attributed to the nation; who ſhall endeavour *to ſhake that ſacred foundation of all the plans for a regeneration, and raiſe diſtruſt in thoſe who confide in it.* I ſhould, I own, reproach myſelf for having riſked what might enfeeble the public confidence, were it poſſible that any ſhould be repoſed in operations of this kind, and were not the greater part of the reflexions I have recapitulated already publiſhed in a great number of writings, printed by order of the Aſſembly; if its own decrees, in contradiction to its engagements, did not do infinitely more injury to the credit of the aſſignat money than any thing I have

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pences of the enſuing year. What muſt be the conſequences, ſhould war become inevitable, amid this diſtreſsful ſcarcity of ſpecie, and this total annihilation of reſources!

have ſaid, and than all the murmurs of diſapprobation raiſed againſt it in every part of the kingdom; if, beſides, my obſervations were not principally intended to prove that neither the ſucceſs of the aſſignats, however limited or multiplied, nor the ſale of even the whole of the national property, will be ſufficient to reſtore the finances, or ſave the State; and if, laſtly, now, when all affairs are diſcuſſed openly, and under the eye of the nation, it were not of real utility and the utmoſt importance, to ſhew the error of the opinion, that with paper-money added to paper-money it may be poſſible to find a remedy for all the cauſes of ruin contained in the meaſures adopted for theſe eighteen months, and to preſerve the kingdom from that load of taxes with which it is menaced.

I ſhall, perhaps, be told that it would be much more uſeful and important to propoſe more efficacious means, if ſuch are known to me; but to be ſilent with reſpect to thoſe which an imperious criſis has rendered unavoidable, and which are excuſed by neceſſity.

Imperious criſis—*Neceſſity*—But who gave birth to this criſis? Whence does this neceſſity ariſe? It will be neceſſary an excuſe ſhould be found for it, before it is made an excuſe. But can this be done? The deficiency, eighteen months ſince, was only fifty-ſix millions; at preſent it is more than two hundred and fifty.—The

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ſtatement of the public debts now due amounts to nineteen hundred millions, and by this ſtatement we find that thirteen hundred millions are to be attributed to the Aſſembly.—The capitals of the whole debt of the State, three years ſince, only amounted to three thouſand millions; at preſent they amount to five thouſand millions.* When I quitted the miniſtry, credit flouriſhed, commerce proſpered, induſtry was active, the nation populous, and ſpecie abundant: now, credit is annihilated, commerce at its laſt gaſp, induſtry languiſhing, population diminiſhed, and ſpecie inviſible.—Yet is Neceſſity objected to me, as a vindication of all that has been done; and thoſe to whom this neceſſity is a reproach, perpetually invoke it in their defence! Yet is this word, which has ever been the pretext of violence, and the reſource of ignorance, the favourite anſwer which the moſt culpable authors of the public calamities return to all who cenſure their conduct!

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* At firſt view, it may appear that what I ſay here does not correſpond with what I have ſaid at page 82, where I have eſtimated the total debt at only four thouſand two hundred and forty-one millions. But we ſhall ſee there is no contradiction, if we conſider that, in the comparative calculations at page 82, I have only admitted a part of the aſſignats. By including the whole of them, and correcting ſome errors in the account of the Committee, the total debt will be found to amount, effectively, to five thouſand millions, as M. Dufreſnoi has proved it to be, in a work he has lately publiſhed.

As to the means of ſaving the State, and reſtoring the finances, ſuch are to be found, without a doubt. It will always be poſſible to diſcover them in a kingdom like France, without its ever being neceſſary to have recourſe to injuſtice, the violation of engagements, or the invaſion of property. But ſhould I propoſe any, or affirm that I could point out thoſe that muſt be infallible, perſonal views which I have not, would be imputed to me; and the partiſans of thoſe who have deſtroyed every thing, would inflame the minds of the people againſt every ſalutary meaſure.

When a member of the Aſſembly gave as his opinion, concerning the project of the aſſignats, that the only means to re-eſtabliſh the finances was to begin by re-eſtabliſhing the executive power, he uttered a great truth, but was not liſtened to. When another declared, perhaps improperly in his ſituation, what in fact is only the conſequence of this axiom—*To deſtroy the effect, it is neceſſary to take away the cauſe*—he was ſuppoſed to be favoured, when conſidered as *in a delirium.* The fear of a ſimilar ſentence ſhall not, however, prevent me from replying to any perſon who may aſk me for a plan of finances in the preſent ſituation of affairs, that to ſuppoſe any poſſible, when there is no Government, is indeed to be delirious; and that to heal the wound, it is firſt neceſſary to remove the deadly inſtrument

which was its cauſe. I ſhall add, that, if any one wiſhes to know my ideas on the reſtoration of the finances, which is inſeparable from that of general order, they muſt take the trouble to read my work to the end, in which I ſhall ſucceſſively dicuſs all the queſtions that have a relation to this great whole, which at preſent is acknowledged to be in the moſt deplorable ſituation. * The concluſion of what remains for me to ſay, is the firſt and principal chapter of my plan of finances, if I may yet be allowed to have one; and what I have to propoſe, to reſtore tranquillity to the kingdom, appears to me the only method which can tend to the relief of the people. Confiding, therefore, in the purity of my intentions, I ſhall continue my critical diſcuſſion; and proceed to examine what may be effected by a general new-modelling of the contributions, to which, I preſume, the Aſſembly muſt be on the point of beſtowing its ſerious attention.

General

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* We may ſee, in the various printed declarations of the Aſſembly, and the reports of its Committees, that this *deplorable ſituation* is now acknowledged on every hand. M. de Mirabeau, in his ſpeech on the aſſignats, has not only made uſe of this expreſſion, but has likewiſe pointed out all the danger *of the critical times that are imminent: for, Gentlemen,* has he ſaid, *it is not to be doubted, the abyſs is open; it enlarges itſelf before us.*

General New-modelling of the Contributions.

NOTHING has yet been, nor can be, determined concerning the taxes to be impoſed to produce a balance between the receipt and the expenditure. They can only be brought to a level, by fixing the amount of the one in a juſt proportion to that of the other; but hitherto only partial operations have been made on both. The receipt was acknowledged inſufficient, and the Aſſembly has begun by rendering it ſtill more inadequate, by ſuppreſſing ſeveral branches of the revenue, and enfeebling, in all, the modes of collection. The expenditure was accounted exceſſive, and ſeveral rigorous reductions have been made, which have cut to the quick; but at the ſame time the State has been loaded with ſo many new burdens, that the expenditure, notwithſtanding the retrenchments, has been infinitely increaſed. This all parties are compelled to acknowledge; the difference of opinions can only turn on the amount of this augmentation. My ſtatement of the deficiency is founded on the moſt moderate calculations of the changes that have taken place, within eighteen months, in the ſtate of the revenue, and that of the expenditure. We have ſeen that the reſult was a deficiency of two hundred and ninety millions, including thirty-five millions for the reimburſements at ſtated periods; and that, in order to obtain a foundation for my concluſions, which a few errors, if they ſhould have eſcaped

me, might not be able to ſhake, I had reduced my eſtimate to two hundred and fifty millions.

If we compare this eſtimate with the ſtatements contained in the report made, in the name of the committee of finances, on the 27th of Auguſt laſt (1790) it will be found that there is but very little difference.* We may therefore conſider this ſtatement as approaching as near to the truth as poſſible, till the amount of the expenditure ſhall be definitively aſcertained; and it follows, that it will be neceſſary to raiſe, by the general new-modelling of the taxes, two hundred and fifty millions of new revenue, in addition to what remains of the old.

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* According to the calculation which the Committee of annual expence has given, in *the ſyſtem of the reimburſement of the debt by the ordinary means*, the total amounts to five hundred and eighty-three millions. But, 1ſt, the indiſpenſable reimburſements are there only ſtated at twenty-three millions, becauſe they are diſtributed through a ſpace of thirty-two years; I have ſhewn that they cannot be eſtimated at leſs than thirty-five millions. 2dly, The property of the Clergy is ſuppoſed to bring in a clear produce of ſeventy millions; but, expences deducted, this certainly cannot amount to more than ſixty. 3dly, The public expenditure is preſumed only to amount to two hundred and forty millions, whereas it would be eaſy to prove, that, including all the expences of Government, the national guard, and the collection of taxes, it muſt amount to more than two hundred and fifty.

There will therefore be twenty-ſeven millions to be added to the five hundred and eighty-three, which will make ſix hundred

The Aſſembly has already decreed two impoſts, to replace thoſe that have been aboliſhed; one of forty millions, inſtead of the *gabelle*, to be raiſed in the provinces that were ſubject to that tax; and another, of ten millions, to ſupply the place of various exciſe-duties that have been ſuppreſſed. As they muſt be included in the general amount of all the contributions, it was not proper that I ſhould ſtate them before, in diminution of the deficiency that was to be provided for; I have therefore deferred mentioning them till now.

There is reaſon to believe that three kinds of taxes will be retained, viz.

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hundred and ten millions. I have proved above, that the employment of ſix hundred millions of aſſignats in the purchaſe of the national property will only produce an annual ſaving of ten millions; and not even that, if we conſider what the conſequences of the emiſſion of thoſe aſſignats muſt coſt the public treaſury. There will therefore remain, according to this calculation, ſix hundred millions for the annual expenditure.

But the revenue, which was four hundred and ſeventy-five millions in March 1789, has ſuffered, as I have already ſhewn in detail, a diminution of one hundred and nineteen millions, which, till the ſuppreſſed taxes ſhall be replaced by others, reduces it to only three hundred and fifty-ſix millions.

The deficiency will therefore be two hundred and forty-four millions; and the difference between this ſtatement and my eſtimate, is only ſix millions.

The real or territorial impoſt, or land-tax;

The perſonal impoſt, or tax on perſonal property;

The indirect impoſt, or duties on legal acts and inſtruments, and on the ſale and conſumption of commodities.

The Aſſembly will have to determine what portion of the whole ſum to be raiſed ſhall be allotted to each of theſe three kinds.

Hitherto the real impoſt, or land-tax, conſiſting of the two twentieths, which produced, with the *ſols pour livre*, fifty-ſix millions; and the *brevet général de la taille*, or general commiſſion of the tax, which, all acceſſaries included, amounted to one hundred and ſix millions; formed a revenue of one hundred and ſixty-two millions. But this contribution was not entirely paid by the land; it included the perſonal *taille*, the capitation or poll-tax, according to property, and ſome mixed impoſts. The poll-tax called *taillable*, was an object of thirty-five millions; and it may be conſidered as certain that, of this ſum of one hundred and ſixty-two millions, there was only about one hundred and twenty millions paid by the land.

The ſuppreſſion of privileges, and a diviſion, as equal as poſſible, on all the productive lands without

without exception, would procure an augmentation of this tax, which, from the calculations I made in the year 1787, I am of opinion may be ſtated, rating it at the higheſt, at fifty millions.

The land-tax, at its full value, will then produce one hundred and ſeventy millions. Let us add it to it eighty millions more; of which forty ſhall be a contribution, in a ſtated proportion, to ſupply the place of the *gabelle*, and ſuppreſſed duties, and forty others ſtrictly additional: we ſhall then have a land-tax of two hundred and fifty millions.

This would be ten times the value of a preſent twentieth, which is only twenty-five millions. It muſt be allowed *that it is impoſſible* to lay a greater load upon the land; and it is inconteſtable that, though we ſhould ſuppoſe it true that the hundred and thirty millions by which the land-tax will exceed what it has hitherto been, ſhould be only a compenſation for what was formerly paid for tithes, and levied for privileges, it will be no leſs certain, that the blending of all the parts into one ſingle maſs will render the weight of it much more ſenſible, and its collection infinitely more difficult.

Yet this increaſe of one hundred and thirty millions on the land-tax will ſtill leave a deficiency of one hundred and twenty millions. How is this

to be provided for? What other augmentation of taxes may be imagined, to ſupply this ſum?

Will the Aſſembly double the tax on perſonal property, which I had propoſed to diminiſh, by the ſuppreſſion of the capitations under three livres; and which I could have wiſhed entirely to have aboliſhed, becauſe it muſt neceſſarily be ſubject to an arbitrary aſſeſſment? It would ſurely be extraordinary, ſhould the National Aſſembly, which, according to its own principles, ſhould proſcribe every mode not regulated by the law, ſhould attempt to extend rather than aboliſh, or at leaſt lay under cloſer reſtrictions, a ſpecies of tax the aſſeſſment of which muſt neceſſarily be more or leſs arbitrary, and of which the mode, whatever endeavours may be made to render it legal, can never be reduced to fixed rules *. Let us, however, ſuppoſe that this tax is doubled, though the meaſure is not very probable, and muſt reflect but little honour on our legiſlators; let us ſuppoſe that the capitation or poll tax, is raiſed from forty millions, its total product, to eighty, which cannot be effected without difficulty, and very embarraſſing

* I have ſeen, in ſome publications, that it was thought this inconvenience might be avoided by rendering the capitation proportional to the rents of houſes; but it was not obſerved that it muſt then be added to the tax on houſes, which is included in the real impoſt, and makes a part of the twentieths.

raſſing remonſtrances; the deficiency, by this new diminution of forty millions, will be reduced to eighty. But here the difficulty appears to me inſuperable, in the preſent order of things, ſhould the Aſſembly ſtill continue to proceed as it has begun.

We have now only to conſider what may be gained from the third and laſt kind of contribution, which is that of the indirect impoſt, or tax on objects of ſale and conſumption, and the duties on legal acts and inſtruments. This, under the ancient adminiſtration, included the receipts of the General Farm, thoſe of the adminiſtration of the incorporeal domains, and thoſe of the general adminiſtration of the ſubſidies.

But the whole of this branch of the revenue, conſiſting of innumerable and multiform duties, difficult and expenſive modes of collection, and troubleſome and frequently oppreſſive formalities, has always been conſidered as the part of the ſyſtem of taxation which afforded moſt ſcope for reductions and ſuppreſſions: how then can it now be viewed as ſuſceptible of an increaſe of produce, or as capable of being loaded with any new burden?

The intentions which the Aſſembly has hitherto manifeſted, and the conduct it has held, announce,

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on the contrary, a deſign to diminiſh more and more the number and weight of theſe duties, injurious to commerce, to induſtry, to conſumption, or to civil liberty.—Mention has been made of the ſuppreſſion of the *aides*, or duties, on liquors: if they ſhould be retained, attempts will at leaſt be made to ſoften the rigour with which they are collected, and to reform the oppreſſive precautions by which they are accompanied. If the project of the Committee of Taxation, to render the cultivation and manufacture of *tobacco* free through the whole kingdom, ſhould be adopted, the farm, of which the excluſive ſale is the ſupport, would not be worth the half of what it at preſent produces.—To increaſe the ſhackles and reſtrictions on *legal acts and inſtruments* would be too great an impropriety, and too violent an attack on the principles of the liberty of conventions.—The extenſion of *the hundredth penny* would be liable to the ſame objection; and it would be barbarous to increaſe a tax which is oppreſſive even to poverty, when it obliges to ſell.—The ſuppreſſion of the interior barriers, and the permiſſion of a free circulation to merchandize, muſt diminiſh rather than increaſe the produce of the *tranſport duties*. That of the *entrance duties of Paris* muſt alſo decreaſe from day to day, in proportion as the population and luxury of the city diminiſhes. In general, an attempt at great reforms conſtantly tends to diminiſh conſumption, and, conſequently, the duties to which it is ſubject.

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I do not pretend to eſtimate the diminution which the union of all theſe different cauſes may occaſion in the receipt of the farms and general adminiſtrations; but there is reaſon to believe it will be ſo great, as ſcarcely to be compenſated by the extenſion of which the ſtamp-duty is ſuſceptible; for I do not believe, from the information I procured, and the calculations I founded on it, when I propoſed my ſcheme in 1787, that it is poſſible to obtain from it above twenty millions more than the ſix it at preſent produces.

There is therefore no poſſibility of making any gain whatever on the indirect impoſts, much leſs of obtaining the eighty millions, which, according to the preceeding ſuppoſitions, are ſtill deficient. There will not indeed be any mode in which this laſt portion of the deficiency can be provided for; ſince, of the three kinds of taxes above enumerated, the two former are already over-burdened with the additional load of one hundred and ſeventy millions, and the third, far from admitting of any kind of increaſe, calls for ſtill new reductions.

Thus, after having attacked all poſſeſſions and all ranks, after having carried reductions and reforms to the extreme, after having deprived an infinite number of citizens of their eſtates, after having invaded the property of the Church and the patrimony of the Crown, after being forced to create twelve millions of paper-money; when the taxes

taxes on land and on perſonal property ſhall have been doubled, and the ſtamp-duty perhaps quintupled; ſtill all will be inſufficient: ſtill there will remain an enormous deficiency, for the diſcharge of which ſome new ſpecies of taxation muſt be invented—a ſpecies of which we can have no conception, but which, whatever it may be, muſt inevitably enhance the wretchedneſs of a wretched people. An innumerable multitude of individuals will have been ruined, but the public will not have been benefited.

My opponents will not be able to extricate themſelves from their embarraſſment by attacking my calculations; for they muſt remember that, after having been as moderate as poſſible in the eſtimate of every article, I have made an allowance of forty millions for errors; which certainly much exceeds what can be ſuppoſed erroneous, or even doubtful, in my ſtatements: and if they are all, as I believe them, extremely accurate, theſe forty millions, added to the former eighty, which it appears to me impoſſible to diſcharge, will increaſe, to the ſum of one hundred and twenty millions, that part of the deficiency, of which the payment, I think, is utterly hopeleſs in the preſent ſituation of affairs.

Will the Aſſembly, to free itſelf from the difficulty, throw on the Departments the care of providing what may be wanting by the creation of

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ſome new duties, as each ſhall judge moſt ſuitable to the conſumption and reſources of the country? But, independent of the contradiction there would be between a new introduction of local duties, diverſified according to the commodities, and the ſyſtem of general uniformity, which has decreed the ſuppreſion of all the interior barriers, we muſt be very little acquainted with the ſcience of adminiſtration, to ſuppoſe that the Departments can either invent new taxes, or add to the duties and patent-grants by which all kinds of conſumption are already loaded with an incredible ſeries of proportional acceſſaries. It would no doubt be of conſiderable advantage, if, at the ſame time that the land-tax and the tax on perſonal property ſhould be increaſed, it were poſſible to cauſe the Departments likewiſe to raiſe the thirty-ſeven millions of expence reputed local, which has been referred to the provinces, * the expences of collecting the tax of adminiſtrations, and of the national guard, with which they ſhall alſo be charged; the tax inſtead of the *corvée*, or perſonal ſervice for the repair of the highways, which is not included in any of the calculations of the Committee of Finances, nor in mine; the charitable ſuccours, which

* Theſe thirty-ſeven millions are included in the two hundred and forty, at which the Committee of Finances eſtimates the ordinary expenditure; and I do not give them here as being ſuperadded to it; but they are, like all the old expences, foreign to my calculations concerning the deficiency.

which the increaſe of poverty, the want of employment, and the failure of the alms of the Clergy and the monaſteries, muſt render indiſpenſably neceſſary; the intereſt of the new loans which the Aſſembly has permitted the cities and communities to raiſe with the utmoſt facility; and, in fine, all the ancient particular charges which each province already has found it extremely difficult to ſupport. Whoever has been employed in the adminiſtration of any of the provinces, or is able to appreciate the value of each of the objects of which I have given a haſty ſketch; whoever ſhall attentively conſider the whole of them, will be far from believing it poſſible ſtill to add to them an additional burden of eighty millions, or any new local contribution.

We ſhall, in fact, perceive, on examination, that theſe ſame Departments, however ſubordinate they may be to their ſupreme creators, will not acknowledge, on this article, the authority of their oracles. The fear of bankruptcy, which it has been declared to them is *impoſſible*, and of which, beſides, the effects muſt be much leſs formidable to the provinces than to the capital, cannot act on them ſo forcibly as the certainty of meeting with an invincible reſiſtance on the part of the contributaries. All the *art of addreſſes*, all appeals to *patriotiſm*, will be of no effect, when they ſhall be employed againſt the cauſe of the people; and the clamour of individual intereſt, to which *the*

rights

rights of man ſhall add a force ſuperior to that of all the decrees of the Aſſembly, will overpower both the voice of perſuaſion and the injunctions of authority. It may perhaps be ſuppoſed that recourſe may be had to compulſion: but how can this be poſſible, when the public power no longer exiſts, when thoſe who are to pay are armed; and thoſe who require payment are not; when nothing can prevent the provincial aſſemblies, who derive their power from the ſame ſource with the National Aſſembly itſelf, and are ſupported by a million of guards intereſted in their reſiſtance, from refuſing what they ſhall ſuppoſe unjuſtly demanded, from giving law to their legiſlators, and taking their uſurpations for a model?

The people, in whom too great reliance has been placed, and whoſe intoxication can only endure for a time—the people, already indignant at the manner in which their King, who only wiſhed their relief, has been treated—the people, whoſe murmurs grow louder in proportion as their hopes vaniſh, and who forget every thing except what concerns their intereſt, have certainly not forgotten what the National Aſſembly ſaid to them, eighteen months ſince, in its firſt addreſs: "You "were wretched, and you ſtill are ſo; but you "ſhall not be ſo long: we ſwear to you, that you "ſhall not.—A rigorous enquiry into the ex- "penditure has convinced us that the ancient "revenue will be more than ſufficient, when we

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" ſhall have put an end to diſſipation and extra-
" vagance.—This enquiry has ſhewn that the
" people may be greatly relieved, without any
" impoveriſhment of the public treaſury."

The people, therefore, were authoriſed to expect that the retrenchment of ſuperfluous expences, and the prevention of that boundleſs prodigality of which they had heard ſo much, would alone be ſufficient to re-eſtabliſh order in the finances, and at the ſame time procure them conſiderable relief. They muſt have believed the Aſſembly guilty of perjury, to have ſuppoſed that, inſtead of finding the amount of *the ancient revenues*, which had never exceeded four hundred and ſeventy-five millions, *more than ſufficient*; it would be entirely employed in inventing means to raiſe it, by new taxes, to five hundred and fifty, ſix hundred, or ſix hundred and forty millions. *

By

* According to *the new plan of the finances and taxes, drawn up from the decrees of the Aſſembly*, and which has been printed by its order, the revenue muſt be increaſed to five hundred and fifty-two millions. According to the report made by M. de Monteſquiou, on the 27th of Auguſt laſt, it is neceſſary it ſhould be five hundred and eighty-three millions, to equal the expenditure, and even ſix hundred millions at leaſt, by correcting ſome omiſſions. Laſtly, according to my calculations, it will be requiſite that it ſhould be ſix hundred and forty-ſix millions, to diſcharge the deficiency of two hundred and ninety.

By how many illuſions has the public been miſled for a year paſt! The Aſſembly would have too much cauſe to bluſh at them, had it not itſelf been in an error. It cannot be doubted that the Committee of Finances believed what it affirmed, when in its report of the 18th of November 1789, after having pledged itſelf for the accuracy of the ſtatements preſented, it ſaid: "You perceive, from "theſe ſtatements, that all expences will be paid, "and that the intereſt of all the public debts "will be diſcharged, without any new ſource of "revenue being opened; that the people will "only have to pay one ſingle territorial impoſt, "and that this tax will be leſs, by forty-nine ef-"fective millions, than thoſe they formerly paid; "in fine, that, when the intereſt of the debt and "all expences ſhall be diſcharged, the nation will "have a ſurplus of revenue of more than thirty-"three millions.—We have not preſented to you "dreams of the imagination; our ſtatements are "not problematical: in a few months we may en-"ter on the enjoyment of all that is promiſed. "This day, it is in your power to lay the founda-"tion of our future happineſs."

The National Aſſembly did not believe the enjoyment of this promiſed happineſs ſo near; but in its ſecond addreſs to the French, of the month of April laſt, it made uſe of the following expreſſion: "The National Aſſembly has irrevocably

" fixed the enſuing year for the period when the " nation ſhall enjoy the fruits of its labours."

We approach this period, and the language of the Aſſembly is greatly changed. We now only hear of the *critical moment*, of *a preſſing neceſſity*, of *a violent* and dangerous *meaſure*, enforced by circumſtances, under pain of *the diſſolution of the State*. It is only by the means of paper-money that we are able to defray the expences of the concluding year, and begin that in which we were to enter on the full enjoyment of our happineſs. Nothing is yet ſettled with reſpect to taxes, though it is no longer diſſembled that they muſt be increaſed; and that equality, that ſurplus even, of the receipt to the expenditure, that immutable order which the Committee, a year back, beheld ſo near that it confidently declared, *On ſuch a day your troubles ſhall finally ceaſe*, have all vaniſhed like *a dream of the imagination*, and given place to the dread of the moſt ruinous diſorder, and the moſt diſtreſſing embarraſſment. *

How

* Not but that there are ſtill perſons ſo ignorant, or ſo regardleſs of what they ſay, as to repeat, even at preſent, the dream of a ſurplus of *forty millions above the conſtant expenditure*; to affirm, to the Aſſembly itſelf, that *this ſurplus will be infallibly tripled*; and to have the effrontery to add, that the people, *who before paid nine hundred millions, in taxes of every kind*, including the expences of collection, will be relieved by

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How dreadful muſt be the awaking from this dream! What cruel ſurpriſe, what fury perhaps, muſt be excited, if, after ſo many fallacious pro-

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an effective diminution of three hundred and ſeventy-eight millions. More abſurd falſities have certainly never been uttered. The very writers of the gazettes have laughed at them; and I am almoſt aſhamed to repeat them in a ſerious work. But ſince the Aſſembly has not bluſhed to order them to be printed; and ſince all theſe follies tend not only to miſlead the people, but alſo to calumniate the ancient Adminiſtration, and to make all thoſe who held the reins of it be conſidered as the moſt ſtupid and the moſt deſpicable of men, I cannot refrain from contradicting the ridiculous aſſertions of M. Vernier in the moſt expreſs manner, and informing him, and all thoſe who have read his work, that the total of the taxes levied on the people, including the whole of the expences of collection, never amounted to ſix hundred millions; and that thus his pretended mis-calculation is erroneous by more than three hundred millions. This falſe ſtatement is the leſs excuſable, as he might eaſily have found, in M. Necker's Treatiſe on the Adminiſtration of the Finances of France, the moſt circumſtantial details on the ſubject of the expence of collection; and have ſeen that the total, including the expences of the *octrois* (patent privileges) of the towns, thoſe of the *pays d'états*, thoſe of the clergy, and in general all thoſe paid by the people, beſides all the various kinds of contributions levied on them, while the third twentieth ſtill ſubſiſted, amounted only to fifty-eight millions; and the ſum total of the taxes, including all expences, only to four hundred and eighty-ſix. They have ſince been diminiſhed rather than increaſed; and I am certain I am not miſtaken, when I affirm that, even including the expences of ſeizures and legal proceedings, the total can ſcarcely amount to ſix hundred millions. The ſtatement therefore is exaggerated by the half. I appeal to my readers, whether, on ſuch a ſubject, this is not moſt ſhameful.

miſes, ſo many flattering hopes, the *dénouement*, or rather the cataſtrophe of the drama, ſhould be to throw on the people, at length undeceived, a heavier load of taxes, real and perſonal, than any they have before borne! To what exceſſes may not deſpair hurry a multitude of artiſans and day-labourers, who, already reduced to the moſt extreme poverty by the want of employment, ſhall ſee the price of all proviſions raiſed to ſuch a height that it ſhall be out of their power to obtain them? Who can foreſee what may be the conſequences of the diſappointment and rage of the country people, when they ſhall learn that the impoſition of ten twentieths, levied as formerly, or from ſix to ſeven, rigorouſly aſſeſſed on the lands, will be the fruit of thoſe operations of which they were told, that *the remembrance ſhould inſpire eternal gratitude?*

In vain may attempts be made to perſuade us that the annihilation of tithes, the abolition of the *gabelle*, and the odious modes of its collection, and the ſuppreſſion of the duties on oil, leather, and iron, will lighten the burden of the people, more than it can be increaſed by new taxes, to the amount of two hundred and fifty millions. The people will not long be thus duped: they will not be perſuaded that it is poſſible the public revenue ſhould be increaſed, without the public contributions, of which it is compoſed, being increaſed likewiſe. Beſides, though the nation ſhould not pay more

after

after the new modelling of the taxes than it paid before, it will not be leſs true that the collective weight of the new taxes will be much more felt than the divided burden of the old; that, by uniting the parts, their preſſure is rendered much more inſupportable; and that the contributor who is able to pay fifty livres for different duties in the courſe of a year, will be incapable of paying the half of that ſum in a ſingle tax, and in one day. Who does not know that the habit of bearing any burden makes it appear leſs heavy than an equal load which is unuſual, of which the very ſight is terrifying? We are by no means to conſider opinion as of no conſequence: an imaginary evil is frequently almoſt as grievous as a real one.

I ſhall be reproached, as M. Necker has lately been, with diſſeminating fears, *ſounding the trumpet of ſuſpicion*, and affecting to paint the future ſtate of our affairs *in the moſt gloomy colours*, to bring diſcredit on the operations of the Aſſembly.—What! when the nation has been lulled to ſleep, on the brink of a precipice, by the ſoothing promiſes of approaching proſperity, ſhall it not be permitted to awaken it to attention, by exhibiting to its view the evils with which it is menaced? Is it a crime, publicly to diſcuſs the ſtate of public affairs? Is it to betray our country, to deliver it from thoſe illuſions which, whether they deceive its leaders, or are employed by them to cauſe de-

ception, muſt ſoon lead to that execrable extremity of which *the infamous name has been proſcribed by the national decrees*, which the Aſſembly has with reaſon declared to be *criminal*, but which the completion of their work muſt render inevitable?

Let me not be accuſed of preſaging ſuch a calamity with indifference. It is becauſe I ſhudder at its conſequences, that I call on my country to beware; it is becauſe I know how much we ought to fear the deſperation which it muſt occaſion in an innumerable multitude of wretches whom it will deprive of the means of ſubſiſtence, that I declare the cauſes by which it muſt be produced, to thoſe who will be its victims, to the whole nation to which it will be as fatal as diſgraceful, and to the ſucceſſors of the Aſſembly, to whom it will bequeath this deſtructive inheritance.

Nor let any one conclude, becauſe I preſent this fearful image of future evil, that I am therefore perſuaded France muſt experience it. No; I augur better of the fate of my country; but I am firmly perſuaded, and thus I conclude all I have to ſay on the finances of the kingdom, that it is impoſſible to repair the injuries that have been done, without an entire change in all the meaſures that have been purſued.

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This change is equally neceſſary, from the ſtate of the finances, and the ſituation of all the other parts of the body politic; this alone can ſave the whole, and conſiſts, as I have already ſaid in the beginning of this Work, in returning to, and carrying into execution, the *Inſtructions* of the electoral Aſſemblies, which ought to have been made the baſis of the conſtitution of the kingdom, and the rule for the decrees of the Aſſembly.

CONSTITUTIONAL DECREES.

SEVERAL of theſe Decrees are conformable to what has been recommended, or enjoined, by the Inſtructions.

Some relate to points which the electoral Aſſemblies could not foreſee, and concerning which they have not made known their will.

The greater number, and the principal, are diametrically oppoſite to the unanimous declarations of the Inſtructions.

Thoſe which are conformable to the Inſtructions, and to the intentions of the conſtituents of the Aſſembly, contain undoubtedly a declaration of the general will: theſe ought to be maintained; and it is to them that the civic oath,

rightly underſtood, has reference. I ſhall enumerate them at the end of this work.

Thoſe which, if I may ſo ſpeak, are foreign to the Inſtructions, and conſequently may or may not be agreeable to the views of the elective Aſſemblies, but which are not literally contrary to their mandates, require to be reviſed and ratified: it is with theſe that I propoſe to begin.

Thoſe that are directly contradictory to the general tenor of the Inſtructions, on fundamental and conſtitutional objects, are radically null, and can only be rendered valid by being authenticated by the Nation: it is on theſe that I ſhall moſt enlarge.

First Class.

Decrees relative to Objects not determined by the Inſtructions.

I find only five ſubjects to be ranged in this claſs.

1ſt, The permanence of the Aſſembly of the Repreſentatives of the Nation; 2dly, The eſtabliſhment of Martial Law; 3dly, The inſtitution of Juries in criminal caſes; 4thly, The new diviſion of the Kingdom into departments geometrically meaſured; 5thly, The reduction of the number of Biſhoprics to a number equal to that of the Departments, and the election of Biſhops, Curates, &c. by the People.

First,

First, The Aſſembly has conſtituted itſelf *permanent*.—According to the Inſtructions, which have all given to it the title, conſecrated by cuſtom, of the Aſſembly of *the States-General*, it ought to be *periodical*. The interval between one convocation and another, according to the greater part of the Inſtructions, ought to be only three years; and during each interval the King ſhould poſſeſs the right of making ſuch regulations as may be immediately neceſſary, on condition that they ſhould be only proviſional, and ſubject to be legally ratified in the ſubſequent Aſſembly.—The decrees have gone further; they have enacted that the National Aſſembly ſhall be permanent: this is a conſequence of the wiſh to exclude the King from every legiſlative act, even though only proviſional, and to withhold from him every thing that may be conſidered as a kind of *initiative* *. The Aſſembly, concentrating in itſelf alone the exerciſe of the power of making laws, without any diſtinction

* In England, likewiſe, the King does not poſſeſs the *initiative*; it appertains to the Houſe of Commons: but as his principal Miniſter is uſually a member of that Houſe, the King may, through him, propoſe and explain the motives of ſuch bills as he ſhall judge uſeful and neceſſary.—Can it be thought reaſonable, that the Sovereign ſhould poſſeſs no means of propoſing for diſcuſſion meaſures which he may believe conducive to the good of the State; and that the head of the nation ſhould not be permitted to make, or cauſe to be made, for the intereſt of his people, propoſitions which every member of the legiſlative body has a right to preſent?

diſtinction whatever, or any reſerve with reſpect to the regulations of daily adminiſtration, found it neceſſary to make its duration perpetual; and admitting only the re-election of its members every two years, declared its ſeſſions annual, without any other interruption than a vacation of eight months in the year. It would, no doubt, have been more conſiſtent with its ſyſtem, to have admitted no interval of vacation; ſince the legiſlation, ſo far as relates to the continual current of the objects of government, cannot, as I have explained in my Letter to the King (p. 58), admit of any chaſm, nor remain a ſingle month in inactivity. It is on account of this neceſſity for a *government perpetually in action*, that the greater part of the elective Aſſemblies had judged proper to leave the King in poſſeſſion of *a proviſional legiſlative power*, ſubject to future ratification. The National Aſſembly has rejected this meaſure, without ever troubling itſelf concerning the difficulties which muſt be the conſequence of refuſing ſuch a power. Had it been more accuſtomed to the active functions of government, it would have been leſs precipitate in its reſolutions, and not have prepared the way for ſo much embarraſſment.

It appears neceſſary to reviſe this law, which is at leaſt incomplete, ſince it has made no proviſion for the iſſuing of ſuch regulations as ſhall be neceſſary during the intervals between one ſeſſion and another. If the decree which ſeems to reduce

duce the power of the King to the publiſhing of ſimple *proclamations* requiring the obſervance of the laws enacted by the National Aſſembly extends to deprive him of the rights of iſſuing, at leaſt proviſionally, deciſions and regulations relative to the affairs of government, this decree muſt be claſſed among thoſe which, being contrary to the Inſtructions, cannot be valid.

Secondly, *Martial Law* has been eſtabliſhed.—The electoral Aſſemblies, not having been able to foreſee that the public police would be deſtroyed; that inſubordination, reduced to a principle, would inundate the kingdom with the moſt unreſtrained licentiouſneſs, perpetuated by impunity; and that the executive power would not poſſeſs the force requiſite to reſtore order; never once thought of martial law, till then unknown in France, and of which no mention is made in the Inſtructions. The Aſſembly has been obliged to have recourſe to it; and its decree of the 21ſt of October 1789, which may be conſidered as a neceſſary conſequence of the new Conſtitution, might anſwer the melancholy purpoſe for which it is intended, did not the formalities that are required to be obſerved in carrying into execution a meaſure which can only be efficacious in proportion as it is ſpeedy, deſtroy all its utility, as has been already demonſtrated by example.

Thirdly,

Thirdly, The inſtitution of Juries in criminal caſes.—Of all the Aſſembly has done additional to the Inſtructions, this is what is moſt beneficial to the public, and does moſt honour to its deliberations. If, while it borrowed this admirable regulation from a nation which may furniſh more than one excellent model, it had poſſeſſed itſelf thoroughly of its ſpirit, and had not perverted it, by the rage of improving on what it copied, the trial by jury might be in France, what it is in England, the protection of the citizen, and the bulwark of liberty. But it is extending this inſtitution beyond all due limits, to think of introducing it into the army and navy, the inconveniences of which muſt ſoon become manifeſt; and in this particular a reviſion of the decree appears to be neceſſary.

Fourthly, the *new diviſion* of the kingdom.—The Inſtructions had expreſſed a wiſh that the general contributions ſhould be equally divided among all the provinces of the kingdom, in proportion to their reſpective abilities; which was by no means incompatible with the preſervation of their charters, capitulations, and conſtituent rights. The Aſſembly has gone far beyond theſe views, and has formed a plan more vaſt and bold than ever entered into the ideas of its conſtituents. It has imagined that, to eſtabliſh a perfect uniformity in the taxes, and the order of legal proceedings, it was neceſſary

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to begin by abolishing entirely the ancient distinctions of the different provinces, to annul their charters, to remove their limits, and take away their very names, those names which seemed to have been unalterably secured to them by the annals of all ages. It has, therefore, enacted that, for the future, the kingdom shall be divided into such a number of geometrical sections as it has thought proper to trace out on the map; it has reserved to itself to name them as it shall please; and, without considering the embarrassment which local positions and difference of idiom may occasion, or the difficulty of at once overcoming all difference in habits and interests, or the perplexity arising from the sudden removal of the limits of different countries and districts, not preceded, nor even accompanied, by any change in the customs and particular laws by which they are governed, it has imagined that, the moment it should declare its will, all obstacles, physical, moral, and political, would disappear at its command, and instantly vanish for ever.

I know not whether the event will answer its expectation. I confess that I am far from having attained to the sublime elevation of those transcendent men who have pronounced, "that all the "institutions that now exist in France tend only "to render the people wretched; and that, to re-"store happiness to them, it will be necessary to-"tally to renew them; to change their ideas, to

"change

" change their laws, to change their manners:—
" to change men, to change things, to change
" words:—to deſtroy every thing, yes, to deſtroy
" every thing, ſince every thing is to be created
" anew *."

Should I acknowledge, with them, that " men " blindly reverence the authority of cuſtom," I ſhould not conclude, like them, that this empire, and the reſpect it receives from the whole world, merit no regard. I ſtill abide by that ancient opinion, founded on the moſt general experience, that the number of unperceived inconveniences which are the conſequence of great and ſudden innovations, is almoſt always greater than that of the apparent advantages they promiſe. I will ſtate the progreſs of my ideas on this great and hazardous meaſure. I have long been convinced, as I have ſhewn in the writing which I preſented to the King, in the month of Auguſt 1786, " that the " diſparity, diſcordance, and incoherence of the " different parts of the body of the monarchy, " were the principles of the vices that enervated " its ſtrength, and ſhackled its organization." I at firſt imagined I beheld, in the project for the new

* Theſe words are taken from a publication, entitled, *New Reflexions on the new Diviſion of the Kingdom, by M. Rabaud de St. Etienne, member of the Committee of Conſtitution.* The author, in this ſame work, entitled *Reflexions*, remarks that " too many reflexions are only tireſome and diſguſting."

new territorial and political diviſion of the kingdom, the accompliſhment of the wiſh I had then expreſſed, that there might be a greater equality between the burdens ſuſtained by the provinces, more unity in the principles of their adminiſtration, fewer reſtrictions on their commercial relations, and leſs inconſiſtency in the whole they conſtituted:—but I could no longer entertain this hope, when I ſaw the idea of parcelling out the provinces by a mathematical diviſion prevail over the obſervations, extremely juſt and wiſe in my opinion, by which one of the members of the Aſſembly * endeavoured to diſſuade it from adopting the chimera of equality of ſuperficies, and to prove to it that the only proper diviſion was that "which, to uſe the expreſſion, permitted a com-"poſition with prejudices; which ſhould be "wiſhed by all the provinces, and founded on "relations already known; and which, above "all, ſhould leave the people in poſſeſſion "of the right of calling to the adminiſtration "of public affairs all thoſe enlightened citizens "whom they ſhould judge deſerving of their "confidence."—To which effect, he propoſed that the preſent provinces ſhould ſtill remain, and only be diſtributed into ſections, the extent of which ſhould be meaſured, not by any certain number of ſquare

* The Count de Mirabeau, in the plan for a diviſion of the kingdom, preſented by him to the Aſſembly on the 4th of November, 1789.

ſquare leagues, but by the combined relations of their extent with their population, the productions of their ſoil, and the reſources of their induſtry. I have been greatly aſtoniſhed that decompoſition ſhould, in this inſtance, obtain the preference over emendation and improvement; but I have not been convinced of the poſſibility of executing this plan, by the very numerous, but very little deciſive, approbations of the municipalities; and I have at length ceaſed to deſire it, when, informed of the manner in which the primary elective aſſemblies of the departments were compoſed, and the ſanguinary means made uſe of to exclude every one who did not make profeſſion of democratic principles, I clearly perceived that this immenſe complication of diviſions and ſubdiviſions tended only to eſtabliſh every where the popular government. But, however this may be, it is inconteſtable that ſuch a decompoſition of the kingdom, ſuch a diſlocation of all its parts, can never be made but by the expreſs will of the Nation; that the provinces cannot ceaſe to be what they have been from all antiquity, nor loſe the right of being repreſented as they always have been, without their own conſent, after deliberation held according to the ancient form; and that the concurrence of the new departments, were it general, can never ſupply the place of this conſent; ſince the exiſtence of theſe departments, their compoſition, and the repreſentative right annexed to them, are preciſely the ſubjects in queſtion. On which account, conſidering

ſidering the diviſion of the kingdom into eighty-three parts, reputed equal and homogenous, as an addition to what is contained in the Inſtructions, I claſs it among the number of thoſe articles which can only have been reſolved conditionally, which require to be reviſed by the conſtituent body, and can alone be rendered valid by a formal ratification of the whole nation, repreſented as it was when it tranſmitted its powers and its inſtructions to its delegates.

Fifthly, the reduction of the Biſhoprics to a number equal to that of the Departments, and the election of Biſhops, Curates, &c. by the People.—The Inſtructions had voted for the ſuppreſſion of uſeleſs benefices: the Aſſembly has gone much farther, by ſuppreſſing even chapters and cathedrals, and excepting nothing. But what has never been propoſed by any of the elementary aſſemblies, and what the mere civil power was never before ſuppoſed competent to ordain, is the ſuppreſſion of fifty-two biſhoprics, the change made in all the limits of the eccleſiaſtical juriſdictions, and the return, though a very imperfect one, to the ancient cuſtom of the election of biſhops by the people; a cuſtom abrogated, for wiſe reaſons, by the concurrence of two powers; and a cuſtom which nevertheleſs left to the ſovereign Pontiff the right of confirming the elections. I ſhall not examine how far this overturning of the hierarchy is contrary to the ſacred canons, to the diſcipline eſta-

 bliſhed

bliſhed by the general Councils received in France, and to the maxims of the Gallican Church, which it is our duty to hold ſo precious. * I ſhall not aſk on what foundation, or by what principles of juſtice or policy, it has been imagined that we are juſtified in openly violating the rights of the holy See, and the contracts entered into with the Court of Rome; the queſtion is neither concerning right nor rules, when violence alone reigns triumphant; but I ſhall ſay a ſingle word on the conſequences. The Aſſembly appears to have taken its determination with reſpect to the future ſchiſm, to which ſome of its members have called its attention. But has it conſidered all its poſſible effects; and can it

* On this ſubject we may conſult the Council of Laodicea, canon 57; the ſecond and third Council of Carthage; the Bull of Pope Innocent XII, for the erection of the biſhopric of Blois; but eſpecially the pleadings of Preſident Talon, as Advocate-general, on the 28th of June 1667; in which it is clearly eſtabliſhed, that the power beſtowed on the Apoſtles, and the Biſhops their ſucceſſors, being of divine inſtitution, no perſon can alter the immutable ſucceſſion of the hierarchy. The Pope cannot, becauſe, *being the protector of the canons, he may not depart from the decrees of the Councils, nor change the eternal inſtitution of Jeſus Chriſt*; neither can the Biſhop, becauſe he is only the depoſitary and adminiſtrator *of this juriſdiction, which he can neither reſign nor alienate, without violating the obligation by which he became bound when he accepted the charge of epiſcopacy.—The paſtoral authority which God by his word, and the Church by her canons, have confided to the Biſhops, can neither be deſtroyed by time, nor the enterpriſes of man.*

it be denied that they are equally menacing to Religion and the tranquillity of the kingdom? This ſingle reflexion may ſuffice to ſhew us that, even though we ſhould only conſider the intereſt of the nation on a point which more immediately concerns it than any other, that of religion, what has been decreed with reſpect to the biſhoprics cannot appear definitive, but that a reviſion is neceſſary; and if, in making this reviſion, the Nation ſhould be of opinion that the ſuppreſſion of ſuch a number of epiſcopal ſees, and a change in the limits of all their juriſdictions, is to be wiſhed, it will be proper that it ſhould be effected by means which alone can render ſuch an operation lawful and regular. According to the Canons, and according to the maxims of the Gallican Church, a general Council is requiſite, in which each Biſhop intereſted in the change muſt give his formal conſent. The expreſs conſent of the King is likewiſe neceſſary, which can only be underſtood of a free conſent. And, laſtly, it is neceſſary that the Pope ſhould confirm all that has been done.

I now proceed to the pretended conſtitutional articles which are directly contradictory to the wiſh of the nation, as unanimouſly expreſſed in the Inſtructions.

Second Class.

Decrees contrary to the Inſtructions relative to the principal Articles of the Conſtitution.

I DIVIDE into four claſſes the multitude of pretendedly conſtitutional decrees which are directly contradictory to the unanimous wiſh of the Nation; and ſhall proceed to diſcuſs in ſucceſſion,

The Decrees contrary to the Inſtructions relative to the form of government;

The Decrees contrary to the Inſtructions relative to the liberty and ſecurity of individuals;

The Decrees contrary to the Inſtructions relative to property;

The Decrees contrary to the Inſtructions relative to the adminiſtration of juſtice.

1ſt, *The Decrees of the Aſſembly are contrary to the Inſtructions, relative to the Form of Government.*

Nothing can be determined more unanimouſly, expreſſed more clearly, or preſcribed more poſitively, than what we find in all the Inſtructions on the neceſſity of maintaining in France the monarchical government, excluſively of every other, on

on the conſequences inſeparably connected with this firſt principle, and on the acceſſary maxims, which being intended to preſerve it uncorrupted, are to be held equally inviolable.

" The conſtitution of the State," ſay the Inſtructions of the Clergy, " is the reſult of the " fundamental laws which aſcertain the reſpective " rights of the King and of the Nation, and which " are never to be departed from, viz. that the " French government is purely monarchical *.— " The Nation muſt inviolably preſerve the form of " its government, which it wills, and declares, to " be a pure monarchy, regulated by the laws †.— " Let the ancient and fundamental laws of the " kingdom be collected into a code, which may " for ever ſecure to the nation its government, " purely monarchical ‡; and let no innovation be " ſuffered, which may tend to change or corrupt " its eſſence §.—The monarchical government, " being the true and ſolid conſtitution of the Na- " tion, the moſt proper to preſerve its internal " tranquillity, and defend it from foreign attacks, " the moſt ſuitable to the extent of its provinces, " and the character of the people, who have at all " times been diſtinguiſhed for their love and at-

 " tachment

* Cahiers de la Vicomté de Paris, page 106.
† De Dijon, page 6. art. 11.
‡ Troyes, page 5.
§ De Laon, fol. 1.

" tachment to their Sovereigns, we will never " conſent to any thing that may tend to change " the form of this government; we are inſepara- " bly attached to it by the moſt ſacred duties of " obedience, by the bond of our oath, and the " ties of fidelity; by the love and reſpect we feel " for our maſters, and by the happineſs we enjoy " in being their ſubjects," &c. &c. *

The Inſtructions of the Nobility recommend, " that it be expreſsly and ſolemnly declared that " the conſtitution of the kingdom of France is " ſuch, that its government is, and ought to con- " tinue, monarchical †;—that the King, the ſove- " reign head of the French people, is only ſubor- " dinate to the fundamental law of the king- " dom ‡,"—according to which " the conſtitu- " tion ought to be eſtabliſhed on the ſacred and " immutable principles of a monarchy limited by " the laws §;—and that this form ſhould not be " ſuffered to be changed for any other inſtitu- " tion," ‖ &c. &c.

The ſame language, and the ſame principles, are found in the Inſtructions of the Third Eſtate, in which

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* De Dourdan, page 8.
† Alençon, page 7.
‡ Château-Thierry, page 4, art. 1.
§ Condom, page 4.
‖ Bugey, page 5, 6, 7, 8, 9.

which it is ſaid: " that the Deputies ſhall apply " themſelves, previous to every other object, to " give to France a conſtitution truly monarchical, " which may unalterably aſcertain the rights of " the Sovereign and the Nation *;—that it is de- " clared that the monarchical government is the " only government admiſſible in France †;—that " in the King alone, as head of the nation, re- " ſides the power of governing according to the " laws ‡;—that the ſucceſſion to the throne of " France, in the male line, being acknowledged " and confirmed by an expreſs deliberation, the " ſolemn oath to maintain Louis XVI in the " poſſeſſion of all his rights ſhall be renew- " ed," &c. &c. §

The Inſtructions, therefore, of every order of the elementary aſſemblies, the union of which can alone be called *the collective body of the nation*, have enforced, in the ſtrongeſt manner, this firſt and moſt ancient truth; all have made it the ſolid baſis of the Conſtitution; and all have preſcribed to their delegates, which form *the repreſentative*

* Dax, Saint-Sever, & Bayonne, art. 5.

† Bourbonnois, page 4.

‡ Rouen, art. 1.

§ Vannes, page 4.

NOTE.—I give the preciſe words only of ſome of the inſtructions of each Order; but it is eaſy to ſee that they all agree.

body, an invariable attachment to it, as a principal and indiſpenſable duty. If, therefore, the Aſſembly of theſe delegates have departed from it, if their decrees have changed the form of government, and erected another conſtitution which is not truly monarchical, the mandates of the collective body have been diſobeyed, and the general will contradicted, in the moſt important point.

But I would aſk all the authors, defenders, and admirers of the New Conſtitution, whether any one among them ſeriouſly believes, and will undertake to maintain, that by this conſtitution the form of government is preſerved without alteration, and that the government which has been introduced is *truly monarchical?* Is it not evident, on the contrary, that this ſhapeleſs plan, which appertains to no form of government, annuls all the prerogatives which the Inſtructions had conſidered as inſeparable from the French monarchy, and annihilates every thing which conſtitutes the eſſence of monarchy in general?—We cannot too frequently, or too attentively, examine ſo important a ſubject. Let us firſt then obſerve which are the principal prerogatives declared by the Inſtructions to be inviolably inherent in the Crown.

The firſt is, that in the framing of all laws *the King ought to be conſulted*; and that no law ſhould be enacted or promulgated, *without his conſent and ſanction*. "Certainly," as has been ſaid by one of

of the moſt enlightened members of the Aſſembly, whoſe language I love to borrow, * " the moſt " noble functions of the ſovereign power are thoſe " of the legiſlative body. If the Monarch did " not make an eſſential part of this body, if he " had no influence in the enacting of laws, he " would be, in fact, only a magiſtrate under its " orders, or a ſimple general of an army; the " government would be no longer monarchical, " but republican; the royal authority would no " longer be reſpected by the people, ſince it " would no longer contribute to procure them ſa- " lutary laws."

All the Inſtructions * have rendered homage to this principle: thoſe of the Third Eſtate declare, " that

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* M. Le Mounier.

† I ſay *all*, becauſe all in which the ſubject is mentioned, and theſe are the greater number, have expreſsly made this declaration; while the others have either ſaid nothing to the contrary, or have uſed ſtill ſtronger expreſſions. For example, thoſe of Gien (page 6) declare, that their Deputy *ſhall require that it ſhall be eſtabliſhed as the firſt foundation of their deliberations, that the King is the ſole legiſlator in civil affairs and matters of police.* Thoſe of Château-Thierry (fol. 5) declare that *the King is the ſole depoſitary of the legiſlative power.* I ſhould certainly be in the wrong to cite as the ſentiments of the whole nation, theſe declarations of a ſmall number of aſſemblies; but what I have ſaid to be preſcribed by all the Inſtructions, is truly the ſpirit of them all, and the literal expreſſion of the greater number, eſpecially thoſe of the Third Eſtate.

" that the legiſlative power, appertaining to the " Nation, ought to be exerciſed by its repreſenta- " tives, *conjointly* with the King; *—that for the " future no law ſhall be enacted but in the midſt " of the States-General, by the *concurrence* of the " authority of the King, and the conſent of the " Nation; †—that there ſhall be no other law in " France but that which ſhall have been pro- " poſed by the States-General, and ſanctioned by " the King," &c. &c. ‡

The Inſtructions of the Nobility declare, ſtill more expreſsly, " that the King ought to be ac- " knowledged as *an eſſential part* of the legiſlative " power, and that no law can exiſt until it has " been aſſented to both by him and by the na- " tion; §—that the reſpect due to the royal power " ſeems to require that the laws ſhould originate " in the States-General, to be aſſented to or re- " jected by the King, without its being neceſſary, " in any caſe, that his Majeſty ſhould explain the " motives of his refuſal; ‖—and that the conſent " of the King is neceſſary to give a ſanction and " completion to the national decrees," &c. &c.** The

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* Cahiers du Tiers Etat de Rouen, art. 10.
† De Metz, page 5.
‡ De Lyon, page 7.
§ D'Evreux, page 5.
‖ De la Banlieue de Paris, page 3.
** De la Ville de Paris, page 7.

The Inſtructions of the Clergy hold the ſame language, and repeat in ſeveral places, " that no " national law ſhall be eſtabliſhed and proclaimed " without the authority of the King, and the free " conſent of the States-General," &c. &c. *

Reaſon itſelf dictated theſe maxims, when they were inſerted in the national Inſtructions. Does not good ſenſe alone teach that the laws ought to be concerted between thoſe for whom they are made, and him by whom they are to be carried into execution; that the head of a monarchy ought not to be excluded from a ſhare in the legiſlation according to which he is to govern; and that it is conformable to the nature of things, " that the general will of a nation ſhould be " formed by the union of the wills of its King and " of its Repreſentatives;" * ſince, if it was formed without the participation of the firſt citizen, it would no longer be the general will?

It has been ſaid, with reaſon, " that the King is " identified with the Nation." † How then can he

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* Cahiers de Lyon, page 9. Cahiers d'Auxerre, fol. 20.

† Words of M. Le Mounier.

‡ An expreſſion of the Abbé Sieyes, in the ſeſſion of the 7th of September; but he ought to have obſerved, that to be identified with the nation, does not ſignify to be identified with its delegates. The will of the King is only one with that of

he be ſeparated from it, in what is moſt intereſting to it? Conſidered as its principal repreſentative, is he not equally entitled with the repreſentative body to contribute to the framing of laws? And if we afterward conſider him as the head of the nation, and not repreſented by any of its delegates, is it not evident that, as he does not exerciſe his right mediately in their Aſſembly, he ought to exerciſe it immediately? that is to ſay, that his particular will ought to be added to the general will of the other repreſentatives to render the law complete; without which, what is defined the will of the whole, would not be his, and, conſequently, would not be law.

But what has the Aſſembly done, when it had only to conſecrate this immutable principle, this original attribute of Royalty? It has debaſed it, or rather it has totally annihilated it, by ſubſtituting for it the illuſion of a limited ſuſpenſive *veto*, which is contrary to the Inſtructions, contrary to itſelf, contrary to the dignity of the Throne, and contrary to the intereſt of the Nation.

It is contrary to the Inſtructions: for while they admit a participation and concurrence in the exerciſe

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of the Nation; but it is very diſtinct from that of the repreſentative Aſſembly; and to confound them, as the Abbé Sieyes has done, to elude the neceſſity of making them concur, is only a ſophiſtical ſubtlety.

ciſe of the legiſlative power, the ſuſpenſive *veto* ſuppoſes this exerciſe undivided, and excluſively concentred in the Aſſembly. The Inſtructions give the King a poſitive co-operation in the legiſlation; the *veto* reduces him to a negative faculty, which is even reſtrained to a ſimple delay. The Inſtructions acknowledge the abſolute neceſſity of a voluntary ſanction; the limited *veto* leads to a forced ſanction.

It is contrary to itſelf: for, if the King has a right *to forbid*, this right ought not to be limited to the power of *ſuſpending for a time*; and if he can only ſuſpend for a time, it is not a right, it is only a precarious conceſſion, as eaſy to revoke as to limit; it is not a *veto*, it is only *an appeal which delays the proceedings*. There is a contradiction in the terms, when they firſt preſent an efficacious obſtacle, and afterward remove that obſtacle by a limitation deſtructive of all its effect.

It is contrary to the dignity of the Throne: for it is to degrade that in the extreme, to make the royal ſanction only the fruitleſs manifeſtation of a will ſubjected to debates incompatible with the pre-eminence of the Monarch, and to permit him only an impotent oppoſition, ſubordinate to the judgement of thoſe who are the rivals of its principle; and to leave him no other means of preſerving his people from a law which he is perſuaded would be injurious to them, but the feebleneſs

neſs of an attempt, " which would only ſerve," as the Count de Mirabeau has obſerved, " to excite " the deſire of triumphing over it, and to produce " an indecent ſtruggle between the Throne and " the Repreſentatives of the People."

It is contrary to the intereſt of the Nation: for, as the concurrence of its head in the legiſlative acts, voted by its delegates, would honour and give ſolidity to thoſe acts, in an equal degree muſt the want of that ſame concurrence expoſe the people to be deprived of the benefit of the laws, by deſtroying the harmony that ſhould reign between the legiſlative and the executive powers. Nothing, it is likewiſe to be obſerved, is more dangerous to public liberty, than the invaſions of the legiſlative power, when it is no longer reſtrained by any boundary, or balanced by any counterpoiſe.

The embarraſſment into which men are thrown, when they wiſh to deſtroy in reality what they are forced to maintain in appearance, and are reduced to combat with abſtract ideas the fundamental maxims of the government they have to organize, was never more conſpicuous than in the debates of the Aſſembly on the queſtion of the Royal *Veto*, and even in the decrees by which thoſe debates were terminated. The fluctuation of the moſt incongruous ideas, the ſhock of the moſt oppoſite opinions, and ſucceſſive intricacies and obſcurities which

which cauſed both the point ſet out from, and the end propoſed, to be loſt ſight of, preſented, from the beginning, to the diſpaſſionate obſerver, the preſage of what has ſince taken place. The Committee of Conſtitution firſt rendered homage to the principle, that the conſent of the King to the laws which he is to carry into execution was abſolutely neceſſary; a principle that has ſince been ſolemnly acknowledged by the ninth conſtitutional Decree, which enacts, that "no act of the legiſlative body can be conſidered "as a law, if it be not ſanctioned by the Monarch."

To ſanction a law, is to make it obligatory, and give it that completion which renders it ſacred and inviolable; and ſince no act can become *a law* if it be not inveſted with the royal ſanction, it evidently follows that this ſanction ought to be free and voluntary; for, if it were not, it would only be a material form, not inherent in the eſſence of the act, and could never be enumerated among the conditions neceſſary to the exiſtence of the law.

Thoſe who have held firm to theſe two inſeparable truths, the one that the legiſlative acts, which ought always to be propoſed, diſcuſſed, and formed in the National Aſſembly, require, to render them laws, to be ſanctioned by the conſent of the Monarch; and the other, that the Monarch being

being free to conſent or diſſent, is alſo free to give or refuſe his ſanction, indefinitely; have maintained an opinion which is moſt clear, ſimple, and conformable to the maxims received in all monarchies.

But thoſe who, though unable to deny this neceſſity of the royal ſanction, which the Aſſembly itſelf had acknowledged in its firſt ſeſſions, have yet been deſirous to render it of no effect, have tortured their invention in a ſingular manner, to attain their end. Preſſed, on oppoſite ſides, by the natural conſequences of the principle, and their wiſh to elude them, they have exerted their utmoſt efforts to divert the attention of their hearers from them, by ſophiſtical applications of the unconteſted axiom, that all power originates from the people, and by reaſoning without end on the monſtrous irregularity of exalting the will of an individual above the general will. They have entered into uſeleſs and ſterile diſcuſſions on the different kinds of *veto* which have been propoſed, as if the ſubject in queſtion had been to chooſe from among them. Thoſe who declared for an abſolute and indefinite *veto*, proved that, if it were refuſed, the Nation would be without a King; thoſe who were for rejecting it, exclaimed that, were it granted, the Nation muſt renounce all claim to freedom. Soon after, the ſuſpenſive *veto*, though incongruous to every ſyſtem, ſeemed to be

ſupported

ſupported by the greater number of votes, as propoſitions of a middle nature will ever appear moſt plauſible to thoſe who wander in darkneſs without a guide. But it was difficult to agree on the legal mode of this ſuſpenſion: to leave it unlimited, was to fall again into the danger of the pretended abuſes of the abſolute *veto*, and to change only its name; to make it dependent on the judgement of the elementary aſſemblies, was to reduce it to an appeal to the people, a thing very oppoſite to the views of the Aſſembly, very dangerous in its conſequence, and very difficult to bring a concluſion; to limit it to any certain time, was at once to eſtabliſh and annul it, to loſe its utility and retain its inconveniences. To ſolve every difficulty, ſome have ſaid that nothing ought to be determined concerning the kind of the *veto*, but that it ſhould be left to the nature of things; others, that no *royal veto* was neceſſary, but that, to ſupply its place, there ſhould be created, in the Aſſembly itſelf, a chamber of reviſion, or ſeveral interior ſections, by paſſing through which, as through ſo many ſtrainers, all doubtful laws ſhould be purified. A man of abilities and diſcernment has ſhewn that this complication of a reviſionary ſenate, or purifying ſections, could only overturn the organiſation of the Aſſembly, by giving a preponderance to the minority. In fine, all the maintainers of theſe different opinions were ſatisfactorily refuted by each other; and it might

be remarked, that each had reaſon on his ſide while he combated the ſyſtem of his opponent, though his arguments were feeble in the extreme when he attempted to ſupport his own.

In the midſt of this conflict of jarring opinions, the Firſt Miniſter of the Finances, unexpectedly, and without any viſible motive to impel him, *put himſelf forward* (that was his expreſſion), by ſending a Report to the King on the ſubject which was then diſcuſſed in the Aſſembly.

This Report (would it be poſſible to believe it, had we not been accuſtomed to ſee its author inceſſantly betray the rights of the King, and take advantage of his ſituation near the Throne to aim at it the moſt certain and effectual blows?)—this report had no other aim than to combat thoſe who wiſhed the King to retain the indefinite *veto*, and to determine the majority of votes in favour of the ſuſpenſive limited *veto*. I ſhall not ſcandalize the public eye with the ridiculous reaſonings which he has employed, to eſtabliſh that it is better the King ſhould poſſeſs the leſs privilege, ſince, if he poſſeſſed the greater, he would fear to make uſe of it; I ſhall not repeat all that was obſerved at the time, on the indecency of citing, as an example of this fear, the King of England, and the falſehood of the aſſertion that "he enjoyed "the abſolute *veto* in its full extent, but that he "would

" would ſcarcely venture to make uſe of it;" * I ſhall not dwell on the contradiction of having written to the Aſſembly, that " the abſolute *veto*

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* How can we ſuppoſe that the King of England would not dare to do what the royal prerogative, which is greatly reſpected by the Nation, gives him the right to do? It is ſtrange that, though the diſtance between the two countries is ſo inconſiderable, the people of France ſhould be ſo uninformed as they appear to be, on every occaſion, with reſpect to the nature of the Britiſh government, and even the facts relative to it. Firſt, there neither exiſts in England, as I ſhall ſhew, an abſolute *veto*, nor any thing that can prevent the effect of a law; ſecondly, the law does not exiſt until the King has given it his aſſent, and this aſſent is perfectly free on his part; he grants or refuſes it as a Sovereign, and as participating in the legiſlative power. In the firſt caſe, the Clerk of Parliament pronounces, *Le Roi le veut*, The King wills it; in the ſecond, the refuſal is ſoftened by the expreſſion, *Le Roi s'aviſera*, The King will conſider of it. It may therefore be ſaid, ſtrictly ſpeaking, that the King never gives a formal negative; but it is not becauſe *he dares not*, but becauſe he never has occaſion for it, and becauſe it is ſufficient to ſignify that he has the power to do it, to be never under the neceſſity of doing it: it is a ſpring which, without appearing to act, preſſes againſt, and repels a re-action, the violence of which might derange the whole machine. Should a bill, evidently of ſuch a nature that the King could not give it the royal aſſent, paſs the Houſe of Commons, the Houſe of Lords would reject it. Sometimes it has happened, that the King of England having ſignified his determination to refuſe a bill, the Houſes have not preſented it to him. There was an inſtance of this in the time of King William; and I might alſo mention what paſſed under the preſent reign, with regard to the Bill relative to the government of the Eaſt Indies, with reſpect

" at leaſt preſerved to the Throne all its majeſty," and of having, at the ſame time, adviſed to prefer the ſuſpenſive *veto*; I will not attempt to expreſs all the indignation I felt when I perceived that, on this occaſion, he who has been the firſt cauſe of the troubles of France, has employed them as a motive to induce the King to make new ſacrifices, and has never ceaſed to inculcate that the reſignation of authority is the only means to prevent new diſaſters, and to avoid " endangering the " ſafety of the French empire." But I will at leaſt ſay, that it is very ſtrange that a Miniſter of State ſhould not have perceived and explained the diſturbance which the ſuſpenſion of a law announced muſt occaſion in the public order, how injurious it muſt be to the tranquillity of families, and how much the inconvenience of frequently rendering the laws uncertain, muſt exceed that of oppoſing to them, in caſes infinitely rare, an abſolute obſtacle; the conſideration of which has cauſed it to

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ſpect to which it is univerſally known that his Britannic Majeſty had declared his intention in the firmeſt manner.

M. Necker, therefore, inſtead of ſaying that the King of England enjoys, and at the ſame time dares not make uſe of, the abſolute *veto* in its full extent, ought to have ſaid, that he enjoys, moſt effectively, a portion of the legiſlative power, which alone is abſolute; and this it was his duty to have propoſed as an example to the National Aſſembly, on the day when he did not bluſh to excite it to prefer the illuſion of a *limited ſuſpenſive* veto.

to be aſſerted, with reaſon, that the ſuſpenſive *veto* is the worſt of all. I ſhall add, that the whole of this diſcuſſion on the different kinds of the *veto*, and on the choice to be made between them, is entirely irrelative to the ſubject, and that the true ſtate of the queſtion has been miſtaken.

In fact, the introduction of any kind of *veto* againſt a law already formed, that is to ſay, againſt one on which the legiſlative power has completely impreſſed the character of a law, would be the greateſt abuſe of goverment, and a monſter in politics. The examples of the *veto* of the Roman Tribunes, and the Poliſh *liberum veto*, only tend to confirm this truth, both having ever been conſidered as only the ſources of diſorder. As to the *veto* attributed to the Kings of England, it is improperly called by that name, and totally different from the idea which appears to have been entertained of it. It is not true that any *veto* exiſts in England, after the law is made. The King and and the Upper Houſe are integral parts of the legiſlation; their concurrence is requiſite to it; they are two of three Powers, the union of which is neceſſary to render the law complete; and therefore, when either refuſes its conſent to a bill propoſed by the Houſe of Commons, which poſſeſſes the initiative, the bill does not exiſt as a law; and it cannot be ſaid that any *veto* prevents its legal effect, ſince it has not yet the force of a law, nor any effect

whatever. If, therefore, we accuſtom ourſelves to call the negative which the three Powers that compoſe the Parliament have on each other by the name of a *veto*, it is only in the ſenſe that this negative prevents the bill from paſſing into a law, and not that it prevents it, when it has become a law, from being obligatory.

In the Aſſembly, and in the diſcourſes of M. Necker, all theſe ideas, which are clear and indubitable, are confounded in a moſt extraordinary manner. They have ſet out on the ſuppoſition that the King does not at all participate in the legiſlation; that the Nation has not delegated to its head, the right of concurrence in the framing of laws; and that a decree determined on without him, in the aſſembly of deputies, is already a law when preſented for the royal ſanction. From theſe premiſes they have proceeded, very improperly, to examine what kind of *veto* ought to be allowed to the Monarch. Thoſe who were of opinion he ſhould have none, were the only perſons who reaſoned juſtly from the *data* aſſumed: for if, when a law is enacted, the King might prevent its being carried into execution, his will would be above the law; and when the will of a ſingle perſon is ſuperior to the law, it is Deſpotiſm.

But the error which has led aſtray all who have reaſoned on the *veto*, is that they have miſtaken for the law what has not yet become law; that they

they have not perceived the evident neceſſity there is for the concurrence of the Head of the Nation, to conſtitute the will of the Nation; and that they have forgotten what the Inſtructions have unanimouſly laid down as a fundamental maxim, and what the Aſſembly itſelf has immutably conſecrated by a ſolemn decree, that no legiſlative act can become a law in France without the royal ſanction, or, conſequently, without the free conſent of the King.

If, inſtead of torturing to its deſtruction this grand conſtitutional maxim, we had remained, as we ought, firmly attached to it, we ſhould not have been embarraſſed with the difficulty of making principles agree which appear irreconcileable, and which in fact are ſo, in the oppoſite ſyſtem. Great truths are ever ſimple; this explains itſelf very naturally and clearly; and all the reſt may without difficulty be made to harmonize with it.

The concurrence of the Monarch in the legiſlation renders uſeleſs all thoſe various ſpecies of the *veto* which, whatever they may be, are injurious to the law, and deſtructive of its authority.

The refuſal of the firſt Repreſentative of the Nation to grant his conſent to a decree which has paſſed the Aſſembly of the other national repreſentatives, is not an attack on the law, ſince the law does not exiſt without this conſent; and we

cannot call that an oppoſition to the law, which is only the abſence of one of its elements.

The limits which ſeparate the legiſlative and executive powers remain untouched, ſince it is not the executive power which co-operates in enacting the law; but the ſupreme Delegate of the Nation for the exerciſe of that power, is alſo delegated by it to concur in the exerciſe of the legiſlative power, in his quality of Head of the Nation, a quality perfectly diſtinct from that of depoſitary of the executive power, to which it is annexed.

It is from having confounded theſe two qualities, or rather from having only conſidered in the Monarch the leaſt eminent of the two, that our politicians have fallen on the alternative of two propoſitions equally inadmiſſible; the one, that the King muſt be above the law; the other, that the national Deputies muſt be above the King: as alſo into this alternative, that either the will of the Sovereign alone muſt have greater authority than the general will, or that it alone muſt be excluded from it; whereas both theſe extremes may be avoided, by conſidering the King, firſt, as co-operating in the functions of the legiſlative power, and afterwards as exerciſing alone thoſe of the executive power. Under the firſt point of view, he participates in enacting the law; and under the ſecond, he is ſubjected to it when it is enacted.

Thus,

Thus, there is no degradation of the law nor of the King. The law reigns over the Monarch, as well as every other member of the body politic; and, once inveſted with all the characters which compoſe its eſſence, is no longer ſubject to any *veto*. The Monarch obeys the law, but it is after having contributed to its formation; and his obedience, preceded by his conſent, is only an honourable example which he owes to his ſubjects; whereas, were it ſeparated from his conſent, it would be a ſervile act, which would place him beneath them. They are only ſubject to the law, becauſe it is the expreſſion of their united will; but the King would be ſubject to a will foreign to his own, and one in which he would have leſs part than the meaneſt of the citizens of whom he is the firſt.

All theſe truths are ſo ſelf-evident, that it ſeems unneceſſary to inſiſt on them ſo much at length; but ſince it has been poſſible for the Aſſembly to miſtake them, too much pains cannot be taken to ſhew them in a clear and convincing light; eſpecially as, in the diſcuſſions on this ſubject, the firſt mortal blow has been aimed at the French Monarchy; which would be deſtroyed, if the Monarch ſhould no longer be an integral part of the legiſlation, and if his ſanction ſhould be transformed into an idle and inſignificant formality. Let us conclude our proof of this aſſertion.

The

The general characteriſtic of every monarchy is, that in it a ſingle perſon governs according to the laws. This definition has never been diſputed; but it has been interpreted differently, both with reſpect to right and fact.

The ancient writers on government, as well as all the French lawyers, down to our times, taking as a foundation the principle, which was then generally acknowledged, that the exerciſe of the ſovereign power reſides entirely in the Monarch, have concluded from it, that the exerciſe of the legiſlative power being the principle attribute of ſovereignty, that alſo muſt reſide in him, and appertain to him alone. To admit this principle without reſerve, as has been done by the Grotius's and Puffendorf's, was to attribute to the Head of the Nation an abſolute power; ſince to govern by laws which we may make or unmake at pleaſure, is to govern by our own mere will. It is however certain that it was formerly a maxim of our law, *that in France the King only can make laws*; and the States-General have expreſsly admitted it, as I have obſerved in my Letter to the King.* The only obſtacle to the arbitrary determination of the Monarch, conſiſted in the firmneſs of the Parliaments appointed to inſpect and regiſter the new laws before they were promulgated.

Locke,

* Pages 19, 20, and 21, of the edition in 4to.

Locke, Milton, and, after them, Burlamaqui, and the author of the Spirit of Laws, have given us a more juſt idea of monarchical government, by ſubjecting the Monarch to the obligation of conforming to fixed and fundamental laws, and declaring him a deſpot when he departs from them. But I have carried the principles which favour national rights and public liberty ſtill farther than they have done. In my Letter to the King, of the 9th of February 1789, in which, in the opinion of many perſons, I have ſhewn myſelf too much of the *Royaliſt*, I declare that I do not think it ſufficient that the power of the Monarch ſhould be regulated and limited by fundamental laws; but that it is likewiſe neceſſary that theſe laws ſhould be eſtabliſhed in the repreſentative Aſſembly of the Nation, that they ſhould not be annulled or altered but by the conſent of the Nation; that they ſhould extend to all the great objects of conſtitutional law; and that by them the liberty of the citizens, their ſafety, and their property, ſhould be ſecured from every illegal attack; that it ſhould not be permitted to levy any kind of tax without the conſent of the Nation; that the periodical meeting of the Aſſemblies of the Nation ſhould be certain; that the judiciary power ſhould be ſeparated from all the other powers, and the depoſit of the laws rendered inviolable; finally, that all theſe laws ſhould be collected into one conſtitutional, authentic, public,

and

and immutable code *. Some years before, to have held ſuch a language would have appeared extremely bold, and little conformable to the maxims of the French monarchy; and in fact there remained but one ſtep to make, to render our government ſimilar to that of England; which was, to confer on the National Aſſembly the legiſlative power, and the right to exerciſe it in conjunction with the Sovereign on all objects without exception. This I did not propoſe; nor, at the time when I wrote my letter, would it have been permitted to make ſuch a propoſal; ſince to adopt it, would have been to change the form of government which then ſubſiſted.

But ſince the general wiſh of the Nation has been made known, ſince the Inſtructions of the whole kingdom have declared, and the National Aſſembly has conſtitutionally decreed, that, henceforth, all legiſlative acts ſhall emanate from the repreſentatives of the Nation, and become laws when they ſhall have received the conſent and ſanction of the Monarch, no perſon can any longer hold a different opinion, and I publicly declare that I entertain no other.

But muſt I, at the ſame time, acquieſce in thoſe Decrees which have burleſqued the *concurrence*, *conſent*,

* Lettre au Roi, 1789, pages 37, 38, & ſeq.

conſent, and *ſanction* of the King, into a ſimple *ſuſpenſive limited veto?* I certainly ſhall not: three powerful reaſons abſolutely forbid me.

The firſt, which I have already explained, is, that all the Inſtructions hold a contrary language; and that the Nation has ſo expreſsly and authoritatively declared in thoſe Inſtructions, that no law can exiſt in France without the conſent of the King, that it is not poſſible to admit an hypotheſis according to which the abſolute refuſal of this conſent would not be an obſtacle to its exiſtence.

The ſecond is, that the people of France wiſh to be free, that they ought to be free, and that the firſt object of the New Conſtitution ſhould be to ſecure to them their liberty. But they would ſoon ceaſe to be free, and their liberty would be far from ſecure, if thoſe to whom they delegate the legiſlative power might exercife it without being reſtrained, in any caſe, by any obſtacle; and if the Royal prerogative poſſeſſed no means of preſerving itſelf from uſurpations which would tend to annihilate it. *The ſanction of the King is the bulwark of public liberty.* It has been ſaid in the Aſſembly itſelf *, and it is neceſſary that the whole Nation ſhould be convinced of it, that the repreſentatives

* In a ſpeech pronounced in the National Aſſembly, on the 2d of September, by the Count d'Entragues, page 5.

repreſentatives of the people would ſoon become their tyrants, if the King ſhould not poſſeſs the power of a perſevering and abſolute refuſal of his ſanction; that nothing then can prevent them from overturning in an inſtant the edifice of the laws, from forcing them to yield to their pleaſure, from confounding in themſelves all the different powers of the State, and from making, re-making, and changing the conſtitution, with as much facility as God created light *. What other barrier than the Royal intervention, can reſtrain the enterpriſes of the legiſlative power? What other force, which does not intrinſically reſide in that ſame power, can be able to withſtand its impulſe? What other means can maintain that guardianſhip on which the ſafety of the State, and the ſecurity of the citizens, depend?

Let it not be ſaid that the danger of which I warn my country, is ideal; it is already realized by the conduct of the Aſſembly, and eſpecially by what it has done relative to the object now under conſideration, which alone might ſuffice to prove the neceſſity of the precaution it has deſtroyed.

But

* An expreſſion of M. De Lolme, who has remarked, with great reaſon, that, if to ſecure the conſtitution of the State, it is neceſſary to limit the executive power, it is ſtill more ſo to limit the legiſlative.

But what need is there of proofs? Is it not univerſally known, that every human power, by its own nature, tends to abuſe? And is it not manifeſt that the power of making laws, being the greateſt and moſt formidable of all, is that which moſt requires a reſtraint? But it can only be reſtrained by the effect of the Royal ſanction, and this ſanction can only take effect in proportion as it is free: its preſervation and its freedom are therefore enjoined by the public intereſt; and it was with reaſon that the Nation, in its Inſtructions, has made it a conſtitutional principle, and tranſmitted it to its delegates as an inſeparable condition of the legiſlative power which it confided to them.

I now aſk, whether they were at liberty to ſet aſide this condition, to avail themſelves of the power they had received, in order to deſtroy its limits, and to become deſpots by annulling what had been eſtabliſhed before they exiſted? It is not for the King, nor in the name of the King, that I put this queſtion; it is in behalf of the People, and in the name of the People, that I remonſtrate againſt the oppreſſive decrees which have deſtroyed the ſalutary effects of an inſtitution which they had approved, and which is the great ſafeguard of their liberty.

The third reaſon which prevents me, and ought to prevent every perſon, from aſſenting to theſe decrees,

crees, is the authority of the National Aſſembly itſelf, the ſubmiſſion it requires to the New Conſtitution, and the oath it has adminiſtered to all Frenchmen, to defend it with their utmoſt power. If the decrees on which it has principally eſtabliſhed the baſis of the Conſtitution, ſhall be found incompatible with thoſe which have declared that, when the King ſhall refuſe his conſent to a law, this refuſal ſhall be only ſuſpenſive, and which have fixed the term of this ſuſpenſion, the preference is certainly due to the firſt, both on account of their priority, and on account of their conformity with the Inſtructions: and that theſe are incompatible, is moſt evident.

1ſt, In Article VI. of the Rights of Man it is declared, *That the Law is the expreſſion of the general will, and that the citizens have all a right to concur in its formation, either perſonally, or by their repreſentatives.*

The King, having no repreſentative in the Aſſembly, ought, according to this article, to concur perſonally in the formation of the law: this article has therefore previouſly pronounced the nullity of thoſe ſubſequent decrees which have determined, that the law may be formed without the concurrence of the King, and that he can only ſuſpend its effect during a limited time. According to the latter, the King alone would be excluded from a right appertaining to all the citi-

zens,

zens, and would be more ſubordinate than any of them; for when the law is made, thoſe even of the Aſſembly who may have been of a contrary opinion, are conſidered as having conſented to it; but this legal fiction can never be applied to the King, who is not in the Aſſembly, and who, not being repreſented in it, does not concur by implication in the acts which proceed from it. If therefore he refuſes to concur perſonally, he does not concur in any manner; and his refuſal is, according to the expreſs terms of Article VI. of the Rights of Man, an obſtacle which prevents the completion of the law.

2dly, Article II. of the Conſtitution declares, *That the French Government is monarchical.*

But nothing is more oppoſite to the peculiar and diſtinguiſhing character of the monarchical government, than for the King not to govern, or not participate in what governs, the people. This is not being the ſupreme repreſentative of the Nation, but the forced agent of other repreſentatives; it is not being a King, it is not even being free, to be ſubjected to wills to which he has not given his conſent *, and to be obliged

* "If we are free, though ſubjected to the laws," ſays Rouſſeau, "it is becauſe they are only the regiſters of our wills."—*Social Contract.* Certainly a law which ſhould be enforced, notwithſtanding the ſuſpenſive *veto*, at the expiration of the time limited, would not be *the regiſter of the will of the King.*

to cauſe them to be executed when he diſapproves of them.

3dly, According to Article IX. *No act of the legiſlative power can be conſidered as a law .... if it be not ſanctioned by the Monarch.*

On the contrary, according to Articles XI. and XII, an act of the legiſlative body may become a law without being ſanctioned; ſince, after a limited time, the refuſal of the ſanction ſhall be accounted as nothing.

4thly, According to Article X. *The King may refuſe his conſent to the acts of the legiſlative body.*

But what remains of this liberty of refuſing conſent, when it is firſt converted into a ſimple ſtop to the enforcing of the act, and afterwards is declared totally of no effect after a limited time?

Is it not ſporting with the law, the obſervance of which is enjoined by oath, at once to decree, on the one hand, that the obtaining of the royal ſanction is indiſpenſably neceſſary to all legiſlative acts; and, on the other, that this ſame ſanction ſhall be compelled, or that after a certain delay it may be diſregarded?

I maintain, that the Aſſembly had neither a right to depart from the will of its conſtituents, nor

not the power to annul what it had itſelf decreed conformably to that will. I maintain that, conſequently, the decrees which have reduced the Monarch to a ſuſpenſive limited *veto* are doubly null and void; laſtly, I maintain, that the oath of fidelity to the King, from which no Frenchman can, nor wiſhes, to diſengage himſelf, the oath of fidelity to the conſtitution, which the Aſſembly has ſo frequently cauſed to be repeated, and the federative oath which has lately been adminiſtered for the defence of liberty, are ſo many abjurations of an erroneous ſyſtem, which equally violates the royal prerogative, the national rights, public liberty, and the conſtitutional laws ſolemnly enacted by the Aſſembly itſelf.

Yes, Frenchmen, your repreſentatives ought to declare you perjured, if, under pretence of defending the conſtitution, you ſhould give your ſupport to what muſt annihilate it; they muſt themſelves be perjured, if they perſevere in reſolutions which are the reſult of tumultuous debates on a queſtion improperly propoſed, in oppoſition to ſo many other reſolutions which have paſſed without diſturbance, and are conformable to the Inſtructions of their conſtituents. But why, if in their hearts they are forced to acknowledge truths which had eſcaped them at the firſt glance, may they not now confeſs, and repair their error? According to the French Juriſprudence, the Courts may themſelves retract their deciſions, when it is

repreſented to them that they have paſſed contradictory *arrêts* on the ſame ſubject, or that there are contradictions in the ſame *arrêt:* why then ſhould not the National Aſſembly, which cannot flatter itſelf that, in the immenſe career which it has traverſed with ſo much rapidity without guide or experience, it has been able to diſcern and completely inveſtigate every thing, and that there is no particular in which it has been miſtaken—why ſhould it not, I ſay, reconſider and amend its proceedings; or acknowledge that all its conſtitutional decrees, and eſpecially thoſe which are expreſsly contrary to the inſtructions of the primitive aſſemblies, are ſubject to the reviſion of thoſe aſſemblies? The remonſtrance of a great number of citizens, in a matter of public right, in which more than twenty-five millions of men, who have all a right to make themſelves heard when they are oppreſſed, are intereſted, ought not, ſurely, to have leſs effect, than the *requête civile* (legal remonſtrance) of a plaintiff or defendant who thinks himſelf injured by an *arrêt.* It is in the name of the moſt enlightened part of the Nation, that I at this moment appeal to the whole Nation from a decree carried with difficulty by thoſe orators who are moſt violent in their ideas, againſt the opinion of the wiſer members of an Aſſembly diminiſhed by a fourth part of its original number; and I maintain, that if it could now be poſſible to collect the votes of the twelve hundred and odd deputies, of which the repreſentative body

body of the Nation ought to conſiſt, we ſhould find a great majority againſt this decree.

But if this new proof of the real ſentiments of the Aſſembly, of which I can entertain no doubt, ſhould appear inadmiſſible; if it is thought neceſſary that what has been decreed ſhould remain, and appear to make a part of the French conſtitution, till a ſuperior authority ſhall have declared it illegal; let me, at leaſt, be permitted not to be convinced myſelf of what is repugnant to my reaſon, contradictory to all the ideas univerſally received, and what appears to me irreconcileable with the principles admitted by the Aſſembly itſelf. Let it not be imputed to me as a crime, that I continue perſuaded, that only the whole Nation can retract what the whole Nation has willed, and pronounce the revocation or confirmation of its firſt injunction.

It will not, I imagine, be denied that the decrees which have deprived the King of the legiſlative co-operation which he had been left in poſſeſſion of by the Inſtructions, merited the full diſcuſſion and inveſtigation which I have given them. I ſhall now proceed to other characters of the monarchical government, with reſpect to which the intention of the Nation has been equally diſregarded.

He whom all the learned men in the world, except thoſe of the preſent National Aſſembly, have always regarded as the moſt profound and enlightened genius that ever exiſted in the inveſtigation of the principles of different governments—he to whom has been given *the nobleſt title that the ſage can merit*, by being called the Legiſlator of Nations *—he who was formerly never named but with veneration, though his eulogium now excites the ſardonic ſmile of our ſublime youth—Montesquieu, in fine, wrote, thirty-eight years ſince, "That the Monarchical Government ſuppoſes "pre-eminence, rank, and even nobility by ori-"gin; that the intermediary powers conſtitute the "nature of this government, ... that the no-"bility is the moſt natural intermediary power; "that it enters in ſome manner into the eſſence of "monarchy, of which the fundamental maxim is, "No monarchy, no nobility—no nobility, no mo-"narchy;—and that, if we aboliſh the privileges "of the nobility, the clergy, and the cities, we "ſhall ſoon have a democratic, or rather a deſpo-"tic State."

When Monteſquieu ſpoke thus, he was not the echo of vulgar prejudices. As a political philoſopher, he had diſcovered, by profound meditations on

* Theſe are the expreſſions of M. d'Alembert, in his eulogium of M. de Monteſquieu, in the Fifth Volume of the Encyclopédie.

on what conſtitutes and gives action to governments, that the *nature* of monarchy requires many intermediary ranks, and that honour is the principle of its motive force. Nothing can be ſaid to thoſe who are unable to diſcern the truth of theſe two important maxims, or perceive the conſequences which flow from them. Let them read, let them ſtudy, but let them not, at the ſame time, pretend to govern; let them not be legiſlators; let them not deprive the State of an impulſive force which is its glory; let them not break, for want of knowing its utility, that progreſſive chain which, uniting the Monarch to his ſubjects, and the ſubjects to their Monarch, diminiſhes the too great diſtance by which they are ſeparated; let not their inexperienced hands deſtroy the channels by which reſtrained authority deſcends without overflowing its bounds, and imitative obedience aſcends without effort.

But let us hear the Inſtructions themſelves: they ſpeak the language which they ought to ſpeak, and prove that the Nation thinks as it ought to think.

I ſhall not cite, on the preſent queſtion, either the Inſtructions of the Clergy, or thoſe of the Nobility. It will eaſily be imagined that they have not neglected to enjoin their deputies to maintain them in their rank, as the firſt Orders of the State, and to watch over the preſervation of their legal

rights. I ſhall only ſay, that it is by expreſsly ſacrificing every kind of pecuniary privilege that they have reſerved a right to their honorary prerogatives; that it is by propoſing themſelves a reformation of the exceſſive multiplication of theſe prerogatives, and of all the abuſes introduced into the mode of acquiring them, that they have wiſhed to render them more reſpectable; and, laſtly, that it is by unanimouſly declaring that it was neceſſary to aboliſh the diſtinctions, humiliating to the Third Order, which cuſtom had introduced in the States-General, that they have merited that the pre-eminence due to their birth, their ſervices, and thoſe of their anceſtors, ſhould be viewed without offence, and that the Third Eſtate itſelf ſhould acknowledge the juſtice of their claims.

This it in fact has done: I read in its Inſtructions, "The formal declaration of the Clergy and "the Nobility aſſures the Third Eſtate that the "two Orders, after having renounced their pecu-"niary privileges, will unite with it in one ſame "wiſh.—That the deputies of all the Orders, as "children of the ſame family, ſurrounding their "father, reject with horror that ſpirit of fermen-"tation and delirium, which, paſſing rapidly from "menace to abuſe, and from abuſe to vengeance, "has ſhed the blood of citizens *.—Though the "Nation

* Château-Thierry, pages 6 and 7.

" Nation be truly and legally repreſented in the " States-General, it is neceſſary that the deputies " of the three Orders deliberate conjointly, and " that the ſuffrages be taken and counted by " heads, and not by Orders *. Each of the Orders " of which the States-General is compoſed, may " aſſemble ſeparately, under the preſidence of an " orator, who ſhall only be choſen from that " Order †.—But the deliberations ſhall be com- " mon to the three Orders ‡.—It were to be wiſhed " that the three Orders ſhould deliberate con- " jointly, and that the ſuffrages ſhould be " reckoned by heads §.... that the three Orders, " though diſtinguiſhed in rank, ſhall be equal in " their rights ‖... that the civil rights of the loweſt " citizen ſhall be equal to thoſe of the moſt diſ- " tinguiſhed members of the firſt Orders **.... " that the juſt prerogative of preſidence granted " to the Clergy and Nobility ſhall be reſpected; " but that it ſhall be forbidden the deputies of " the Third Eſtate to conſent to the humiliating " diſtinctions which degrade the Third Order in " the States of Blois and Paris ††."

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* Dax, Saint-Sever, & Bayonne, art. 2.
† Chaalons ſur Marnes, p. 13.
‡ Saumur & Rhodez, p. 8.
§ Troyes, art. 2.
‖ Saintonges, au Ch. des trois Ordres.
** Foix, page 21.
†† Haut-Vivarais.

We clearly perceive that the Third Eſtate was far from imagining that any idea could be entertained of ſuppreſſing the firſt Orders of the State; that, on the contrary, it has always ſuppoſed their diſtinct exiſtence; and that its wiſhes extended only to obtain an equality of rights in *civil* affairs, and a common deliberation in the *general* Aſſembly. It is not merely with reſpect to the preſent Aſſembly that the Inſtructions of the Third Eſtate have propoſed regulations relative to each of the Orders; they have made proviſion for futurity, and have ſhewn that they ſuppoſed the diſtinction of Orders would continue to ſubſiſt, ſince it is again ſaid in theſe ſame Inſtructions: " That " a complete and regular conſtitution and organi- " ſation ſhall be eſtabliſhed for future States- " General; ſo that the deputies may be elected " equally, freely, univerſally, and excluſively, " from their Order *."

The Third Eſtate has explained itſelf ſtill more expreſsly on the neceſſity of preſerving the order of Nobility, as well as on the means to be employed to purify its ſource, aſcertain the right to it, and baniſh every prejudice injurious both to it and commerce. It is ſaid, in the Inſtructions: " It ought to be eſtabliſhed as a fundamental law, " that hereditary Nobility ſhall be reſtored to its " ancient

* Cahiers du Tiers Etat de Paris *extra muros*.

" ancient ſtate . . . there ſhall be no degradation,
" but that incurred by vices or crimes . . . thus the
" Nation ſhall find valuable ſubjects in a multi-
" tude of men who have been a burden to it in a
" hundred ways; and Nobility, without loſing
" any of its luſtre, ſhall more than ever be excited
" to preſerve a noble elevation, which is ſuited
" only to thoſe who, diſdaining to intrigue for
" either favours or penſions, find all their re-
" ſources in themſelves *. — Nobility ſhall no
" longer be venal, that reward being only due to
" merit and virtue †. — Tranſmiſſible Nobility
" ſhall be granted only in very important caſes ‡ . . .
" There is an ideal, but powerful coin (*moſt valu-
" able, and moſt dear, in ſuch a kingdom as France*),
" it is the treaſure of honour; an inexhauſtible trea-
" ſure, if uſed with diſcretion. The States-Ge-
" neral will render a great ſervice to the people and
" to poſterity, if they can diſcover the means of re-
" coining, in ſome manner, this national money,
" and giving to it ſufficient currency to ſupply
" the place (as formerly it did, and may again
" hereafter) of thoſe vile and ſhameful ſalaries,
" always paid in money, which can never be
" the price of heroiſm, nor the reward of vir-
" tue" § (words truly remarkable, and which contain

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* Rennes, art. 50.

† Nantes, art. 38.

‡ Troyes, art. 107.

§ Toul, page 43.

contain a leſſon deſerving of attention). "The "validity of claims to Nobility ſhall be tried be- "fore the Seneſchals *; and titles to Nobility "ſhall be verified by Commiſſioners from the "three Orders †. The Provincial States ſhall "keep a regiſter of the Nobility of their diſ- "tricts," &c. &c. ‡

I think I have cited more than is ſufficient to prove incontrovertibly that the wiſh of all the Inſtructions, and the intention of the whole Nation as expreſſed in them, is to preſerve the two firſt Orders of the State, only reducing the diſtinction between the Nobles, and thoſe who are not noble, to what it ought to be; that is to ſay, providing that, for the future, this diſtinction ſhall have no kind of influence in levying and diſtributing the public contributions; and that it ſhall not prevent any citizen from aſpiring to, and arriving at, any kind of employment, eccleſiaſtical, civil, or military; that the difference of ranks neceſſary in every monarchy ſhall be preſerved in France; but thoſe Gothic uſages aboliſhed which ſeem to raiſe a wall of ſeparation between the citizens of the ſame empire: that the Dignitaries of the Church, and thoſe who have juſt claims to Nobility, ſhall continue to enjoy all the honourable

* Auch, page 12.

† Nantes, MSS.

‡ Nerac, MSS. art. 9.

honourable pre-eminence which is their due; but that the abuſe of annexing it to venal offices, ſhall no longer be ſuffered: finally, that the Clergy and the Nobility ſhall have their repreſentatives in the National Aſſembly, and be an integral part of it; but after the form moſt agreeable to the principles of a good conſtitution, and always providing that the precedence they of right enjoy ſhall be in no reſpect contrary to the dignity of the Commons.

Such is, I fear not that any perſon ſhould deny the aſſertion, ſuch is both the ſpirit and text of all the Inſtructions. Thoſe of the Clergy and Nobility agree in every reſpect with the extracts I have made from the Inſtructions of the Third Eſtate; they differ only on one point, which is, whether the ſuffrages ſhould be taken by orders or by heads: but I mean not here to diſcuſs this queſtion, which has ſo long been agitated, but which would not have been ſo, with ſuch great diſadvantage to public affairs, had the knot been cut, by the expedient I ventured to propoſe, three months ſince *, and which, I doubt not, muſt be had recourſe to at laſt; I mean, the uniting of the two firſt Orders into one only, and forming of them an Upper Houſe concurring with the King and the Commons in legiſlation. This idea had been

* Pages 12, 32, 33, and 34, of my Letter to the King, of the 9th of February 1789, edition in 4to.

been adopted in ſome of the Inſtructions of the Nobility *; it had even been propoſed in the Aſſembly, as being the advice of the Committee of Conſtitution; and ſeveral very enlightened members have ſupported it by the moſt convincing reaſons. †

They have ſhewn that it is eſſential to free Monarchies, that is to ſay, to thoſe in which the power of the Monarch is moderated by the exiſtence of a legiſlative body, that the power of that body ſhould itſelf be moderated by that of the Monarch, and that there ſhould exiſt between the two, a third power, the moderator of both, which ſhould prevent their reciprocal encroachments; they have proved that the ſame principle which requires the diviſion of powers to conſtitute national liberty, requires their equilibrium to maintain it; and that if the Nation, by dividing the delegation of the ſovereignty, ſhould only place itſelf between two contending forces, without providing an intermediate power, intereſted to reconcile them, it muſt ſoon become the victim of that which ſhould maſter the other, and muſt inevitably fall either under the tyranny of a ſingle perſon, or under the ſtill more formidable tyranny of many. Laſtly, they have ſhewn, that the executive power, which muſt neceſſarily be undivided, that

* Metz, page 10.—Montargis, art. 1.

† The Count d'Entragues.

that it may act with the rapidity it ought, is sufficiently circumscribed by a permanent National Assembly, by the responsibility of Ministers, and by its dependence in what respects the laws to be proposed, the subsidies to be levied, and the army to be maintained: whereas the legislative power, which by its nature is absolute, and not susceptible of being surrounded by restrictions, can only be limited in itself, and by the division of its exercise;—a division useful to the King, whose prerogative it maintains; useful to the people, whose liberty it secures; useful to the laws, which it preserves from the variations and errors that enthusiasm, precipitation, or intrigue, would otherwise indubitably introduce, if they entirely depended on the determinations of one single representative body.

If we open the verbal-processes of the sittings of the National Assembly in September last, we shall see with what penetration, knowledge, and energy, Messieurs De Lalli-Tollendal, Le Mounier, Bergasse, and other members of the Committee of Constitution, have investigated and displayed these great truths, and by what flimsy sophisms M. Rabaud de St. Etienne has endeavoured to support the contrary opinion. We shall find the latter incessantly confounding the sovereignty of the Nation with the functions of sovereignty which it delegates, and "power taken in its primitive sense," (as his own expression is) with the exercise of power, which is the only thing to be considered.

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We ſhall ſee him labouring, to no purpoſe, to prove that, "the Sovereign being the union of "all, is a thing ſingle and ſimple; that the legiſ- "lative power is therefore likewiſe ſingle and "ſimple; and that, if the Sovereign cannot be "divided, neither can the legiſlative power be "divided" — in order, afterward, to conclude, very falſely, from all theſe abſtract notions, that the legiſlative power, when it is delegated by the Nation, cannot be delegated to different co-operators charged to exerciſe it conjointly; and that the depoſitaries of this power cannot be divided into two Houſes. We ſhall at laſt find him ſo embarraſſed by the conſequences of his own ſophiſms, as not to allow that the King may be called the "continual repreſentative of the Na- "tion;" not to admit any other than "revokable "repreſentatives;" and ſeriouſly to maintain that, "to give to Kings a participation in the legiſla- "tive power, is to render them a treacherous ſer- "vice, and to devote them to the cenſure of the "people, or perhaps to their contempt, or their "hatred."

I have given theſe citations as an example of the political abſurdities in which thoſe become involved who, more deſirous of appearing profound than of reaſoning juſtly, and wiſhing to govern empires metaphyſically, do not perceive that, by labouring to generalize truths, they diſtort and corrupt them, or at leaſt render them inapplicable to

to human governments, which, it ought not to be forgotten, being full of imperfections, like every other human thing, cannot be regulated by poſitive principles.

But how is it poſſible to conceive that ſcholaſtic ſubtilties, ſuch as thoſe of which I have juſt given a ſpecimen, ſhould have prevailed, in an Aſſembly of Legiſlators, over an opinion founded on the moſt convincing reaſons, on the example of all countries*, on authorities of every kind; and over the opinion of a Committee compoſed of perſons choſen by this ſame Aſſembly for the examination of the moſt important ſubjects it had to diſcuſs? How, alſo, is it poſſible to conceive that a queſtion of ſo great conſequence to the State ſhould have been determined with ſuch precipitation, that, as we have been told by one of the members of the Committee of Conſtitution, † the report relative to it was ſcarcely ſuffered to be read, "and the plan" of this Committee "for the organiſation of the legiſlative "body was not judged worthy of any examina-

* To be convinced of this, we may read the excellent work of Mr. Adams, entitled, *A Defence of the Conſtitution of the United States of America*, 2 vols. in 8vo. printed at London. I have given the ſubſtance of it in my Letter to the King, pag. 30, 31, and 32.

† Statement of the Conduct of M. Le Mounier in the National Aſſembly, pag. 42—50.

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* To be convinced of this, we may read the excellent work of Mr. Adams, entitled, *A Defence of the Conſtitution of the United States of America*, 2 vols. in 8vo. printed at London. I have given the ſubſtance of it in my Letter to the King, pag. 30, 31, and 32.

† Statement of the Conduct of M. Le Mounier in the National Aſſembly, pag. 42—50.

" tion, nor once made the ſubject of diſcuſſion." Long have I been aſtoniſhed at theſe haſty reſolutions, abruptly carried, on queſtions equally eſſential and difficult; long have I been willing to hope that extreme and violent opinions cannot always be preferred to thoſe which are reaſonable and moderate, becauſe I have long perſuaded myſelf that an Aſſembly accountable to the Nation, to the world, and to poſterity, for the auguſt functions that have been confided to it, muſt at length be convinced that it is its duty to employ, in the diſcharge of them, all the deliberation, prudence, and circumſpection, they require: but my aſtoniſhment as well as my hope has vaniſhed, ſince its progreſs has afforded me a light to diſcover its aim, or rather the aim of certain ardent and daring ſpirits who make a part of it, and who by ſucceſſive ſhocks hurry it toward the goal which they conceal from its view. I now perceive that when they appear to determine inconſiſtently with what they have before ſaid and done, they do not determine contrary to what they wiſh; and that if they have more than once induced the Aſſembly to act in oppoſition both to the Inſtructions and its own reſolutions, it is becauſe neither the Inſtructions nor they themſelves could foreſee to what a degree the exceſs of general weakneſs, which was not to have been expected, would embolden them in their enterprizes. Some one has ſaid: *We never go farther, than when we know not whither we are going.* The National Aſ-

ſembly

ſembly is a proof of the truth of this obſervation; for, certainly, no perſon could have imagined it would ever have gone the lengths it has.

When the Deputies firſt met, they declared that they would faithfully conform to the national wiſh as expreſſed in the Inſtructions; admitted that they were bound to obey the mandates of their conſtituents; and acknowledged that to execute what theſe unanimouſly preſcribed, was the condition of their miſſion, their powers, and their repreſentative exiſtence: afterwards we find them diſengaging themſelves from their oath to fulfil this duty, proſcribing as a dreadful hereſy every idea of *imperative mandates*, relative to any object whatever, and regarding themſelves as the whole Nation, and aſſuming, under that title, unlimited power.

In the month of June we find them declaring *the Royal ſanction neceſſary to render any exterior act of the Aſſembly obligatory*; and, in an addreſs preſented to the King, telling him, that they were appointed to fix, *in concert with him, the Conſtitution, to conſecrate with him the exalted rights of Royalty:* yet, in the month of September following, we find them admitting hypotheſes according to which the Royal ſanction is not indiſpenſable; making themſelves abſolutely independent with reſpect to every thing relative to the Conſtitution, which is a very indefinite term; and limiting the

liberty of refuſal, which, in fact, is entirely deſtroying it.

When they wiſhed to induce the Clergy and Nobility to unite with them in one ſame Aſſembly, they expreſſed only a deſire of the moſt perfect concord: and when they had obtained this union, *congratulated the happy day which united the three Orders*, declaring that *this day would for ever put an end to the diviſions that had mutually afflicted them, and ſhould be celebrated in their annals.** But, five months after, how was their language changed! All diſtinction of Orders is aboliſhed.† Henceforth there ſhall be no more deputies of the Clergy, nor deputies of the Nobility, in the National Aſſembly. They ſeem only to have invited them to unite, to obtain their concurrence to their own excluſion: and not only ſhall they have no more repreſentatives in the Aſſembly; but we may ſay further, that, even as individuals, neither Eccleſiaſtics nor Nobles ſhall, for the future, have a ſeat in it; ſince that is made to depend on popular aſſemblies

* Speech of the Preſident of the National Aſſembly, of the 27th of June.

† Decree of the 5th of November 1789, and Decree of the 22d of December following. Both theſe Decrees declare *that there is no longer in France any diſtinction of Order:* the latter adds, that in conſequence, for the formation of the primary Aſſemblies, all active citizens ſhall meet without any diſtinction, of whatever rank or condition they may be.

aſſemblies, formed of *all the active citizens, of whatever rank or condition they may be*, without *any diſtinction*; which, conſidering the diſpoſition that has been excited in the minds of the people, ſignifies that they ſhall be violently rejected if they offer themſelves to the primary Aſſemblies; and of this, facts are a proof.

Thus, therefore, by an unheard-of ſubverſion of all ideas, the claſſes of citizens who are poſſeſſed of the greateſt part of the landed property of the kingdom, and who, conſequently, are moſt intereſted in the general laws, are excluded from the legiſlative body! The perſons of greateſt property will not be repreſented in the Aſſembly in which all the inhabitants of the kingdom ought to be repreſented! The taxes, which ſhould not be levied but with the conſent of the contributors, will be voted without being conſented to by thoſe who are to pay the largeſt ſhare of them! And, after it has been declared that the legiſlative power reſides in the National Aſſembly, on the foundation that *what binds all individuals ought to be the expreſſion of the will of all*, it is eſtabliſhed that the more property any one poſſeſſes, the leſs ſhall he participate in making the laws which are to regulate poſſeſſions.

Thus is it that our legiſlators reaſon; thus at leaſt do they act; thus do they compoſe a body repreſentative of the whole Nation, in which the

principal members of the State are without vote or influence, in which the Throne can find no ſupport, and by which, in fine, the multitude alone muſt govern every thing without limitation or check; and it is well known by what deſcription of perſons that multitude is itſelf moſt uſually governed.

But, I repeat it, our aſtoniſhment muſt ceaſe, if we admit that the real aim of all theſe proceedings is to annihilate monarchy, or, which is worſe, to reduce it to a mere ſhadow; to accompliſh which purpoſe, nothing could be imagined more effectual than to deprive the executive power of all concurrence in the formation of the law, to level all ranks, to deſtroy every intermediate power between the Monarch and the People, and not to admit of any limitation or obſtacle to the uſurpations of the legiſlative power. After this, nothing was wanting, completely to deprive the King of all the prerogatives eſſential to monarchy, but to leave him no influence in the choice of Judges, nor any means of ſuperintending the adminiſtration of juſtice, and to conclude, by taking from him the right of making peace and war. This has been done, and the plan is completely executed; can we therefore any longer doubt the exiſtence of ſuch a project?

I ſhall defer my obſervations on the mode of nomination to the offices of judicature, till I come to ſhew how oppoſite the decrees of the Aſſembly are

are to the Inſtructions, with reſpect to the adminiſtration of juſtice; I ſhall now proceed to ſhew how contradictory they are to them on the ſubject of war and treaties.

That, in every truly monarchical ſtate, the right of declaring war and concluding treaties reſides in the Monarch, is a truth ſo univerſally acknowledged, and ſo eſſential to every foundation of the diplomatic corps, that, though the Inſtructions ſhould only have declared the unanimous wiſh of the whole kingdom for *the preſervation of a truly and purely monarchical government*, as they have done in the moſt poſitive terms, theſe expreſſions would have been ſufficient to juſtify us in concluding that they meant that the right of making war and peace ſhould be preſerved to the King.

But the Inſtructions have been more explicit: all of them which have mentioned this right, have expreſsly attributed it to the Monarch, and teſtified their wiſh that it ſhould be acknowledged to appertain to him. "The States-General ſhall de-" clare," ſay the Inſtructions of Arras, "that to " the King alone appertains the right of making " peace or war, and the diſpoſal and diſcipline of " the army; but that he ſhall not, by any treaty, " alienate any of the provinces or towns of the " kingdom, without the conſent of the States-

" General." * " The King," ſay thoſe of Bas-
" Vivarais, aſſiſted by a Council of War, ſhall diſ-
" poſe, as he may judge proper, of the troops, for
" defence againſt a foreign enemy." † " The
" plenitude of the executive power," ſay the In-
" ſtructions of Evreux, " comprehends the right of
" making peace and war, and all treaties which
" have relation to them; and the diſpoſal of the
" force of the Nation, for its defence, and the
" maintenance of the laws." ‡ " Let it be enacted
" by the States-General," ſay the Inſtructions of the Third Eſtate of Rouen, " That, in caſe a war
" ſhould unexpectedly take place in the interval
" between one meeting of the States and another,"
(which ſufficiently proves that it was not ſuppoſed that it appertained to the States to declare war)
" the maſs of taxes ſhall be increaſed by one or
" more *ſols pour livre* (or proportional augmenta-
" tions), under the denomination of a *crue de*
" *guerre* (or augmentation for war)." § Thoſe of the Third Eſtate of Cotentin are expreſſed in preciſely the ſame terms. ‖ Thoſe of the Third Eſtate of Paris are ſtill more explicit, both with reſpect to the caſe of defenſive, and that of offen-
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* Arras, Cahiers de la Nobleſſe, page 7.

† Item, Bas-Vivarais, fol. 11.

‡ Item, Evreux, page 6.

§ Cahiers du Tiers Etat de Rouen, art. 55.

‖ Item du Cotentin, MSS.

ſive war. Their language is as follows: " In " caſe of defenſive war, invaſion, or hoſtile attack, " the King, as depoſitary of the executive power, " ſhall take the moſt ſpeedy meaſures to enſure " the public ſafety; and, in this caſe, as in that " of offenſive war declared by the King, the " States-General ſhall meet within two months."*

If all the other Inſtructions have not as expreſsly recognized this monarchical prerogative, which has been enjoyed by the Kings and Queens of France during fourteen centuries, without ever having been diſputed, it is becauſe it was never imagined it could be called in queſtion, and therefore has never been made, in any of the bailiwicks, a ſubject of diſcuſſion. But ſince all thoſe in which it is mentioned have acknowledged and confirmed it, thoſe which are ſilent concerning it may be conſidered as having confirmed it likewiſe; and we are juſtified in concluding that the unanimous wiſh of the Nation was to maintain the right which has reſided in the Crown for ſo many ages.

It may even be ſaid that this was alſo the firſt ſentiment of the Aſſembly, and that, when it declared " that the French Government is mo- " narchical—that the ſupreme executive power " reſides

* Cahiers du Tiers Etat de Paris *extra muros*, p. 24.

" reſides excluſively in the King—that he has the " command of all the forces by ſea and land— " that the care of watching over the external " ſafety of the kingdom, and maintaining it in " its rights and poſſeſſions, is delegated to him—" it in effect decreed that, if the ſafety of the State, or the defence of its rights, required that war ſhould be declared, it was to be declared by him; or if any treaties were to be entered into, to prevent or remove this ſcourge, he was to conclude them; that as the army, of which he is *the ſupreme head*, is embodied to defend the kingdom from any foreign attack, he is to direct its motions to this purpoſe, the inſtant it ſhall become neceſſary; and he is to be the judge when it may be neceſſary to employ the ſupreme executive power which is confided to him, to prevent the State from ſuffering any detriment.

Theſe conſequences are ſo natural, and ſo intimately connected with the firſt decrees of the National Aſſembly, that to deny them is to deſtroy with one hand what we form with the other. Is the executive power any thing elſe than the right of employing the public force? And what is war, but the employment of that ſame force? Is it not certain that in war every thing is an act of violence? and is it not equally certain that nothing which is an act of violence appertains to legiſlation? To ſay that it belongs to the King to make war, but to the legiſlative body to determine

mine whether it ſhall be made, is to ſeparate the act from the will, in a caſe which does not admit of any ſeparation between them, and which requires that they ſhould both originate from the ſame principle. When the Nation choſe itſelf a Chief, and confided its forces to his diſpoſal, that he might employ them in its defence, it certainly never meant that others ſhould have the direction of them; it has appointed him to watch over the public ſafety, and empowered him to determine, and to act, in whatever manner he ſhall think neceſſary for the diſcharge of this duty: it would be abſurd to imagine that, while it armed his hands, it had fettered his will.

Ideas ſo ſimple, and whoſe very ſimplicity proves their truth, could make no impreſſion on thoſe who, exerciſing themſelves, for the firſt time, in the regulation of an empire, give the preference to whatever is moſt abſtract, pique themſelves on analyſing every thing, diſſect all principles, and frequently miſtake the different relations of one undivided whole, for ſo many diſtinct objects which they labour to claſs. It is not therefore ſurpriſing that, in their diſſertations on the right of making war, they have diſtinguiſhed the ſeveral rights of willing it, preparing for it, declaring, and making it; and that of theſe they have formed various functions, ſuſceptible, according to them, of being divided among the repreſentative delegates, who are only to deliberate,

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and the ſupreme delegate who is to act. But, in reality, and according to the practice of all Nations, in caſe of hoſtilities, to will, to prepare, to declare, and to make war, is but one thing; the declaring and the making of it are confounded, and almoſt always the latter even precedes the former.

It is impoſſible, therefore, by any ſubtilties or diſtinctions whatever, to defend the Aſſembly from the charge of having acted in contradiction to the wiſh of its conſtituents and to itſelf, when, after having acknowledged that France is governed by a Monarch inveſted with the plenitude of the executive power, it has taken from him the right of making peace and war, by its decree of the 22d of May laſt (1790), which decree is, throughout, filled with inconſiſtencies, and muſt be, in its effects, incompatible with public ſafety.

It is there ſaid that the Aſſembly decrees, as conſtitutional Articles, 1ſt, *That the right of war and peace appertains to the nation*—a truth which needed not to be ſo formally declared, and which proves nothing with reſpect to the queſtion under conſideration, which was ſolely to enquire to whom the Nation had delegated, or ought to delegate, this right, whether to the King, or to the legiſlative body.

It is afterward ſaid, *that war ſhall only be determined on by a decree of the Aſſembly, paſſed on the formal and neceſſary propoſition of the King, and afterward ſanctioned by him.*—This article ſeems to require, for the determination of war, the concurrence of two powers, and to give only the initiative to the executive power; as if what is to be done when the Nation is attacked, were to be diſcuſſed like a queſtion of right, and with as many formalities.

2dly, *That the care of watching over the external ſafety of the kingdom, and maintaining its rights and poſſeſſions, is delegated to the King by the Conſtitution; that therefore he alone may enter into foreign political connexions, conduct negociations, and chooſe the agents he will employ in them, make preparations for war proportionable to thoſe of the neighbouring States, diſpoſe of the forces of the nation by ſea and land, as he ſhall judge moſt convenient, and regulate their direction in caſe of war.* Were any perſon only to read this article of the decree, he muſt certainly conclude from it that the King of France had been maintained in full poſſeſſion of the right of making war and peace. For what is it *to watch over the external ſafety of the State*, but to repel every attack on it, and to prevent whatever may endanger it? How can *the rights and poſſeſſions of a kingdom be maintained*, without making war on every power that threatens or invades them? How is it poſſible to conduct political

political negociations, without foreſeeing, and being able to declare, what will be the reſult of their good or ill ſucceſs? What is it *to make preparations for war, and diſpoſe of the forces of the Nation as may be judged convenient*, but to leave a ſtate of peace, to enter into a ſtate of war? and, when we have proceeded thus far, is not the difference between theſe two ſtates reduced to a thread which may be broken in an inſtant, without giving time for any previous deliberation?

And yet, according to Article III, *In caſe hoſtilities ſhould be imminent, or have already commenced; in caſe an ally ſhould be to be ſupported, or a right to be maintained, by force of arms; the King ſhall, without any delay, notify the ſame to the Legiſlative Body, and explain the cauſes and motives; and if the Legiſlative Body be not ſitting, it ſhall aſſemble immediately.* The King is therefore bound, even in *imminent* caſes, to confine himſelf to a notification. And to whom is he to make this notification, if the Legiſlative Body is not ſitting? Muſt he haſten to aſſemble it? No: this care does not belong to him; for, according to the terms of the decree, that body muſt aſſemble itſelf. It is not very eaſy to conceive how a body which is diſperſed can be legally informed of what is paſſing, or how it can aſſemble of itſelf, if it be not convoked by any perſon. But I ſhall not dwell on this difficulty, which applies equally to all the aſſemblies eſtabliſhed by the Conſtitution, which

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are always to be formed by their own motion, according to the conſtitutive rules, which enact that *the active citizens ſhall meet to hold the primary aſſemblies*; that *the electors*, named by the primary aſſemblies, *ſhall meet to form the departments, and to chooſe repreſentatives for the National Aſſembly*; and that *the National Aſſembly ſhall meet*, when it ſhall be neceſſary; without any right of convocation being left, in any caſe, to the ſupreme Head of the Nation, or to the agents of the executive power. On this ſubject I leave an open field to the various reflexions which may ariſe on this ſtrange manner of being moved without a motive power, and overcoming inertneſs by an internal impulſe. I ſhall here only conſider the particular caſe of the decree on the right of making war; and, without further inſiſting on the form of it, ſhall ſuppoſe that it is to the Preſident of the National Aſſembly that, in caſe of a vacation, the Monarch is to give notice that the kingdom is menaced or attacked, that by his aſſiſtance, and in conſequence of the notices which he ſhall no doubt be charged to ſend, with all diligence, the deputies *ſhall aſſemble* from every part of the kingdom, to examine whether it be proper to defend their country.—What an admirable ſtate of ſecurity muſt be that of a great kingdom of which the conſtitution ſhall be ſuch that, when it is expoſed to *hoſtilities that are imminent*, or that have even *commenced*, the King, before he can take any meaſures for the defence of his ſubjects, muſt be obliged,

obliged, in caſe of a vacation, to convoke the National Aſſembly, and patiently wait till the deputies diſperſed over a ſurface of twenty-eight thouſand ſquare leagues, ſhall have aſſembled in the capital, till they ſhall have taken cognizance of *the cauſes and the motives*; till their orators ſhall have diſplayed their learned eloquence; and till, at length, after mature deliberation, a legiſlative decree, well and duly ſanctioned, ſhall have paſſed, by which it ſhall be determined whether it be neceſſary to reſiſt the enemy!—What Power would wiſh to be the ally of the mock-monarch who, when the ſuccours ſtipulated by treaty ſhall be demanded, in the moſt *imminent* circumſtances, can only anſwer: The Delegates of the Nation are diſperſed in different parts of the kingdom; I cannot determine, without them, what muſt be done, either to ſuccour you, or defend myſelf: but have patience; it will not require more than ſix weeks for me to collect around me a numerous aſſembly of curates, advocates, phyſicians, literati, experienced farmers, elegant haranguers, and preſumptuous youths, who, together, without having the leaſt acquaintance with political relations or connexions, which they have left to me, will quickly have determined, by *ſitting down and riſing up*, as I imagine, and provided that the *previous queſtion* ſhould occaſion no obſtacle, whether the *Rights of Man* permit us, or forbid us, to make war.

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Let it not be ſaid that I ſeek to ridicule: I have certainly no wiſh to be pleaſant; and, if there is any ridicule, it is only becauſe it is inſeparable from a plain expoſition of the fact. I defy any one to aſſert that this is not the true ſenſe of the decree of which I have quoted the words. It cannot be defended, by alledging that, in caſe of an attack, the King is to repel hoſtilities, proviſionally, and defend the State from any invaſions made or threatened; ſince, on the contrary, even in the caſe of hoſtilities menaced or commenced, the King is to convoke and conſult the National Aſſembly; and it is on the notification which is to be made to it of theſe hoſtilities, that the Legiſlative Body has reſerved to itſelf to decide whether war ought or ought not to be made. The Articles V. and VI. remove all doubt on this head. Article V. enacts, that *if, in conſequence of this notification, the Legiſlative Body ſhould be of opinion that the hoſtilities that have been commenced are a culpable aggreſſion of the Miniſters, or any other agent of the Executive Power, the author of this aggreſſion ſhall be proſecuted as guilty of high treaſon againſt the Nation.* It is difficult to conceive in what manner hoſtilities directed againſt the kingdom, ſince they are ſaid to be *imminent*, or impending on it, can be an *aggreſſion of the Miniſters.* This, no doubt, means that they muſt have been provoked by a conduct reputed aggreſſive; and it is this appearance even of indirect aggreſſion which is made high treaſon againſt the Nation.

It is therefore manifeſt that the queſtion is not concerning offenſive hoſtilities, on the part of the French Government, but that the hoſtilities that are to be notified to the Aſſembly are thoſe by which the kingdom is attacked.

But it is ſaid, in Article VI, *if, in conſequence of this ſame notification*, of hoſtilities of this kind, *the Legiſlative Body ſhall determine that war ought not to be made, the Executive Power ſhall be obliged immediately to take meaſures to prevent or cauſe a ceſſation of all hoſtilities*. Of what nature can theſe meaſures be? It is manifeſt they cannot be coercive, ſince they are preſcribed, only to avoid war. They can therefore only be meaſures of non-reſiſtance and ceſſion to the claims of the enemy. If, therefore, the Monarch had begun by reſiſting, by defending the poſſeſſions attacked, by repelling invaſion, he would have taken on himſelf to employ a kind of meaſures directly contrary to the judgement of the Aſſembly; and certainly the Miniſters, who would be reſponſible for them with their heads, would be careful not to adviſe him to run any ſuch riſk. I have therefore reaſon to ſay that, according to the tenor of the decrees, the King muſt remain a paſſive ſpectator of hoſtilities that are *imminent*, or *commenced* againſt his people, till the Aſſembly ſhall have had time to meet, deliberate, and determine.

However

However abſurd this may be thought, it is not my fault; it is the literal ſenſe of the decree, and indeed, ſtrictly, the only literal ſenſe it will bear. But we have yet another proof. The Aſſembly declares, at the end of Article IV, *that the French Nation renounces undertaking any war with the view of making conqueſts, and that it will never employ its forces againſt the liberty of any people.* It has been univerſally underſtood by this, that the Nation proclaimed to the world that it would never engage in any offenſive war,* and I am perſuaded it was thus the Aſſembly intended it ſhould be underſtood; for, had it only pretended to renounce the conquering and enſlaving of other Nations, it would have been too miſplaced a boaſt, eſpecially at the time when France has much more reaſon to wiſh that no advantage may be taken of her ſituation, than to promiſe not to abuſe her power.

* However real the diſtinction may be between an offenſive and a defenſive war, there are ſo many means of diſguiſing their characteriſtics, and it is ſo uſual to tranſpoſe them in the manifeſtoes of belligerent States, that the late declaration of the Aſſembly, in the name of France, may appear to ſignify no more than all the proteſtations of the ſame kind which the Powers who make war on each other, never fail to employ to prove that it is with regret, and merely in defence of their people, that they take up arms. Every offenſive war being unjuſt, the State which acknowledges itſelf the aggreſſor muſt ſtigmatize its arms with an imputation of injuſtice prejudicial to their ſucceſs. We therefore never find this avowal in any declaration of war, as it is always eaſily to be avoided.

Since, therefore, there is to be no more offenſive war, the right of making war, which the Legiſlative Body has taken from the King, and appropriated to itſelf, can be only the right of making defenſive war; for if the King could make this kind of war, without the participation of the Legiſlative Body, if he could employ the forces of the State to defend the frontiers, or ſuccour his allies when they are attacked, before the Legiſlative Body had given its approbation, he would poſſeſs all the right of making war which can at preſent be poſſeſſed in France; and, conſequently, the famous decree would be without object, and mean nothing. For it to have a meaning, it is abſolutely neceſſary that its effect ſhould be, as the terms of it expreſs, to prevent the Executive Power from acting, *even in the caſe of hoſtilities being imminent or commenced*, until the Aſſembly ſhall have deliberated: and to render this propoſition more clear by an application—if to-morrow the deſcent at St. Cas ſhould be repeated, the exertions which were made by the brave Bretons, and the Commandant of their province, inſtantly to repulſe the enemy, and attack them before they ſhould have time to take poſt, would now be a culpable anticipation of the deciſion of the Aſſembly; and the Miniſter who ſhould give ſuch directions, and the General, or any agents whatever of the executive power, who ſhould take upon them to act in ſuch a manner, would be *guilty of high treaſon againſt the Nation*, for having oppoſed hoſtilities to hoſtilities, and

and conſequently made war, without any previous explanation, any notification of motives, or any deciſion of the Legiſlative Body.

If the Aſſembly diſavows theſe conſequences, let it diſavow alſo the decree of which they are the neceſſary reſult; or let it explain in what manner the Executive Power can be at once active and enchained; and how that power, when fettered by the interdiction which forbids it to commit any act of war without being previouſly authoriſed by the deliberating body, may be able to defend the kingdom the inſtant its frontiers are menaced or attacked; and in what manner Miniſters can be made reſponſible for the ravages of an invaſion, to repel which they have not employed the military force with ſufficient promptneſs, when, by the expreſs terms of the articles of the New Conſtitution, they are not permitted to employ it, even in imminent caſes, till after having notified the neceſſity of having recourſe to it, to the repreſentatives of the Nation, and till theſe, having aſſembled to examine the motives alledged, ſhall have acknowledged that they are juſt and ſufficient.

The ſame complication of duties and ſhackles, of urgent circumſtances and dilatory law, is found in the two laſt articles of this incomprehenſible decree.—Article VI. relates only to the form which is hereafter to be made uſe of in declaring war; but even this is ſtrongly tinctured with the irre-

gularity of the principle. It is ſaid: *Every declaration of war ſhall be made on the part of the King of the French, and in the name of the Nation.* Why ſhould the ancient title be thus changed? Why ſhould not the King be left in poſſeſſion of his uſual denomination of the King of France, which is analagous to that of the kings of all other monarchies? Why ſhould that be preferred, to which Cromwell wiſhed to reduce it? And is it neceſſary, when a Monarch declares to his enemies, that he is about to defend his rights with the ſword, that he ſhould add that it is *in the name of the Nation?* Who can doubt that the Kings of France, like the kings of other countries, act in the name of the Nation of which they are the repreſentatives? And if it is neceſſary that they ſhould formally make this declaration, it is equally neceſſary that other Sovereigns ſhould do the ſame; and, conſequently, every declaration of war, and every treaty of peace, in which this clauſe is not found, on both ſides, may be conſidered as null and void: and what confuſion muſt not this occaſion! Can we hope to oblige all Sovereigns to conform to this new diplomatic ſtyle? What arrogance! Or, let us rather ſay, what incoherence of language and conduct! On the one hand, we have ſeen the Aſſembly laviſh its applauſes, when the King declared that he was one with the People; and, on the other, we have ſeen it diſtinguiſh the King from the Nation, when, in conjunction with it, he combats its enemies. It

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is manifeſt that this affectation of changing even the cuſtomary language with reſpect to every thing which appertains to Royalty, tends only to degrade the dignity of the Monarch, not only in the eyes of his ſubjects, whom it is wiſhed to diſaccuſtom from conſidering themſelves as ſuch, but alſo in the eyes of foreign Powers, when he negociates with them. Is the Nation then exalted by the debaſement of its head! What a contradiction in politics is it, to deſire that the King who governs us ſhould not be the equal of other Kings, even in what is external! If our philoſophic legiſlators are ignorant of the value of the reſpect of empires, and on what it depends, at leaſt they ought to know what they have been told by one of their own body, * *that the royal dignity is to be numbered among the things which are national property*; and by what right are they authoriſed to diſpoſſeſs the Nation of this property?

Article VII. enacts *that, at any time, during the courſe of the war, the Legiſlative Body may requeſt the Executive Power to negociate a peace, and that the Executive Power ſhall be bound to comply with this requeſt.*

Here we have again the ſame fantaſticalneſs of ſtyle, and the ſame inconſiſtency in things. Is it

* M. Mirabeau, in his Speech of the 20th of May, 1790.

poſſible not to be diſguſted at finding, even in the decrees intended to eſtabliſh the French conſtitution, the ridiculous predilection for novel expreſſions which for the word *KING* has ſubſtituted the term *Executive Power!*—Here the Legiſlative Body ſpeaks to the Executive Power, requires the Executive Power to negociate, regulates the conduct of the Executive Power!—There, grenadiers addreſs to the Legiſlative Power complaints againſt the Executive Power!—We ſhould laugh, if Indignation could laugh . . . . Is it then becauſe the title of King impreſſes reſpect, and might again recall the Nation to a reſpect for its Sovereign, that the Aſſembly is averſe to making uſe of it? Yet does it ſtill employ it, on ſome occaſions, as may be remarked in this very decree; but when it aſſumes the imperative tone, when it preſcribes to the Monarch in what manner he is to act, then, wiſhing no doubt to avoid the antitheſis (ſtill too harſh to the ears of Frenchmen) of king and ſubject, it perſonifies the *executive power*, and under that name impoſes its obligations on the Monarch.

It is true, that in the article in queſtion the Legiſlative Body ſeems only to reſerve to itſelf the right of requeſting the Executive Power to negociate a peace; but, in the language of the Aſſembly, *to requeſt* means *to command*; ſince it is declared, at the ſame time, that *the Executive Power ſhall be bound to comply with this requeſt.*

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The contradiction is not only in the words; it is much more remarkable between the beginning and the end of the decree, which begins by declaring that *the King alone can form and maintain political connexions with foreign States, and conduct negociations*, and concludes by attributing to the Legiſlative Body the power of determining when it ſhall be neceſſary to negociate a peace. But, as M. de Mirabeau has juſtly obſerved, *who can determine the time when it is neceſſary to make peace, except him who holds the thread of all political relations?—Will you diſcover by public diſcuſſions the motives which induce you to make peace?—Will you thus make known the meaſure of your ſtrength or your weakneſs?—It ſhould be left therefore to the Executive Power to chooſe the time proper for a negociation, to prepare it in ſilence, and to conduct it with ability.*

It muſt be confeſſed that he who ſaid this, adds immediately after, *that it appertains to the Legiſlative Power to requeſt the Executive to apply itſelf without intermiſſion to this important object.* But he could not foreſee that, when that part of his opinion was adopted, which conſiſted only in leaving to the Aſſembly the right of requeſting the Monarch to enter into a negociation, it would be added, that the Monarch ſhould be bound to comply with that requeſt, which muſt preclude the choice of the moment favourable for negociation, and the poſſibility of negociating with advantage; ſince

ſince it is evident that a King who it is known is compelled to make peace, can only make one on diſadvantageous terms. Hence it is evident, that by depriving the King of the right of making peace and war at the time he ſhall judge moſt proper, we diſable him from doing either with any good effect.

Let us now ſee what arguments have been employed to miſlead thoſe who, far from having perceived the defects and miſchievous conſequences of this ſtrange reſolution, have imagined that, in adopting it, they proceeded with the utmoſt regularity, to eſtabliſh a conſtitutional regulation which muſt prove infinitely ſalutary.

It has been ſaid to them: "The Nation alone "ought to determine on what concerns its in- "tereſt, the Nation alone has a right to diſpoſe "of its blood. Is it juſt that a man, deceived by "ſome miniſters, ſhould have it in his power to "plunge a whole people into the dangers of war, "diſtreſs a hundred thouſand families, and load "a nation with taxes to defray the expences of "his murderous expeditions?—The right of de- "claring war is the right of expreſſing a general "will, of forming a public reſolution, of deciding "on a great national intereſt: ſuch a right can "only appertain to the repreſentatives of the "Nation."

This

This is the ſubſtance of all that has been urged, with any degree of force or plauſibility, to prove that it is equally contrary to the rights and intereſt of the Nation, that the King ſhould be left in poſſeſſion of that eſſential part of the monarchical prerogative which conſiſts in the power of making war or peace. But we here again find the ſame ſophiſms with reſpect to the rights, and the ſame illuſions with reſpect to the intereſt, of the Nation, which have been the cauſe of ſo many other errors.

The reaſonings with reſpect to right are ſophiſms, becauſe, on the one hand, the Legiſlative Body has been continually confounded with the Nation, and the delegation of a right with the right itſelf; and becauſe, on the other, it has been forgotten that the Monarch is alſo a repreſentative of the general will, and that therefore the conſequences derived from this character are applicable to him, no leſs than to the Legiſlative Body; and that, whenever the ſubject under conſideration is the regulation or fixing the limits of their reſpective functions, the queſtion is only between the hereditary delegate of the Nation, and its removable delegates; that then the national ſovereignty is judge, and not party; and that the principle which refers to the whole people all public reſolutions, every general wiſh, all common intereſts, no longer militates in favour of the Aſſembly which exerciſes the legiſlative power, but

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in favour of the Supreme Head who exerciſes the executive power; but that this principle, being equally the ſource of the two powers, holds the balance between them; and that, if there are any doubts on the diſtribution of the prerogatives appertaining to each, they can only be reſolved by conſulting general utility.

But if general utility is to determine the queſtion whether the function of making war and peace ſhould be confided to the power which acts, or to that which deliberates, to the Monarch who has at his diſpoſal all the forces of the kingdom to employ them in its defence, or to the Aſſembly appointed to maks laws for its regulation, the anſwer muſt be evident; for it is the ſame thing as if we ſhould aſk, whether this function requires promptneſs in reſolving, exertion in preparing, force in the means, and activity in every thing relative to it; and whether it can be eligible to delegate it to a body incapable by its nature of fulfilling all theſe conditions. The people have however been perſuaded, and, by their terrific influence, they have forced the major part of the Aſſembly to appear to believe, that the State will be in greater ſafety if the Head of the State ſhould no longer be the arbiter of its defence from foreign attack, nor its repreſentative with reſpect to foreign Powers.

Our

Our vehement orators, to induce their hearers to adopt this abſurd opinion, have called to their aid the teſtimony of the hiſtory of all monarchical governments, and diſplayed the cruel abuſe that Kings have made, in every age, of this terrible right of unſheathing the ſword when confided to them; they have ſhewn what torrents of blood have been poured forth to gratify the vanity of an ambitious Monarch, or the intereſted views of an odious Miniſter; they have pourtrayed a terrifying picture of the ſufferings of the human race, ſacrificed, during ſo many ages, to the caprices of Sovereigns: none of the common-places on the miſeries of war have eſcaped them; and as if theſe horrors had been only known in monarchical countries, they have drawn a veil over all that has paſſed in other governments; and ſeem to have torn from hiſtory every page which the wars of republics and oligarchies have ſtained with blood. If we regard their harangues, we muſt believe that the wiſh of the multitude is always the wiſh of reaſon, and that the intoxication of enthuſiaſm, the ebullition of the paſſions, corruption, and blind and precipitate reſolutions, are much leſs frequent in an Aſſembly of eight hundred perſons than in a Council of ſeven or eight.

Theſe are what I call illuſions. They have not ſeduced thoſe who are acquainted with, and firmly adhere to, the principles eſſential to a good government. Among the members of the Aſſembly

bly who are moſt diſtinguiſhed by their underſtanding, their ſentiments, and their eloquence, many have ſatisfactorily refuted both the ſophiſms concerning the right of making war, and the declamations on the pretended advantage of wreſting it from the King.

" Since this right muſt be confided to ſome " one," ſays the Count de Clermont-Tonnerre, " is it not better to confide it, under the clauſe of " reſponſibility, to a few men who are ſubject to " the limitations of prior laws, than to entruſt it to " a great body who are reſtrained by no reſponſi- " bility, by no law? Is it better to confide it, " unconditionally, to thoſe who will make an ar- " bitrary uſe of it, than to confide it, on ſtrict and " known conditions, to thoſe who muſt be anſwer- " able for the uſe they may make of it?" The deciſion of this queſtion is found in the annals of all Nations; and we may cite, with M. de Clermont, " the political plunderings of the Roman " Senate, the reverſes of fortune that have been " experienced by all thoſe Powers among which " the right of peace and war has been confided to " an Aſſembly deliberating in public; the people " of Athens ſeduced by the orators of Philip, not- " withſtanding all the nervous eloquence of De- " moſthenes; and the influence of intrigues, and " the inſinuations of foreign Powers, in the Poliſh " Diets and the Senate of Sweden."

" If

" If the right of making war is confided to the " King," ſays the Abbé de Monteſquiou, " it is " impoſſible but, before he exerciſes it, he muſt " conſider all the evils of war, and perceive how " much it will expoſe him to the malediction of " the people; but if, on the contrary, it be com- " mitted to the National Aſſembly, nothing will " be more eaſy than for him to engage in a war " without incurring the odium of it." In ſupport of this truth, the Honourable Member judiciouſly obſerves that King William, in England, where he poſſeſſed the excluſive right of making war, conſulted his Parliament before he engaged in it, while he did not heſitate to determine on it in Holland, where the right appertained to a repreſentative Aſſembly which he had ſubjugated.

With what force of reaſoning has the Abbé Maury demonſtrated " that France would be no " longer a monarchy, but a monſtrous govern- " ment, for which there is no name, if the King " be deprived of a right which has been inherent " in the Crown of France for fourteen centuries, " of a right which he cannot loſe without loſing " the moſt eſſential prerogative of the executive " power—of a right which the Aſſembly has no " authority to conteſt, ſince, though it has been " appointed by the Nation to revive and eſtabliſh " the ancient conſtitutional rights of the people of " France, it has not received from it full powers " to change and overturn at its pleaſure the form

" of

" of government!—We may defy our opponents " to produce, in the hiſtory of the world, a ſingle " inſtance of a State truly monarchical, in which " the Monarch does not exerciſe, without oppo- " ſition or participation, the right of making war " and peace. Even the Engliſh Nation, which " had reſumed the royal prerogative, ſince the " throne was declared vacant in 1688, has never " thought of limiting the right of the Monarch to " declare war, conclude peace, or contract any " treaties of alliance or commerce which he may " judge of utility to the kingdom." The eloquent Abbé, taking afterwards a clear and luminous ſurvey of the different periods of the monarchy, has diſpelled the doubts which ſome had endeavoured to raiſe with reſpect to the ancient and uninterrupted poſſeſſion of this right by our Kings. One ſingle fact is brought in oppoſition to it: the manner in which he has refuted the arguments founded on this fact ſo well deſerves our attention, that I ſhall here give his remarks, word for word.

" It is with regret," ſays he, " that I find my- " ſelf conſtrained, by the neceſſity of a juſt de- " fence, to call your attention to a diſaſtrous pe- " riod, which every good Frenchman muſt wiſh " were effaced from our annals. I ſpeak of the " States-General aſſembled in 1356, immediately " after the ſhameful defeat at Maupertuis near " Poitiers. This National Aſſembly, or rather,

" this

" this great conſpiracy, directed by Stephen Mar-
" cel, Provoſt of Paris, took upon it to prohibit
" the Dauphin, then regent of the kingdom, from
" determining on war or peace. You remember,
" Gentlemen, the deplorable ſituation of our un-
" happy country at that time. That popular
" robber, Marcel, had ſeized on the revenue: he
" cauſed the moſt faithful ſervants of the King to
" be maſſacred in the palace, deceived the people
" by the moſt ſeditious maxims: the Nobility were
" murdered, and their caſtles burnt, in every part
" of the kingdom. To be rich, was accounted
" a crime deſerving death; and property of the
" moſt ſacred kind was plundered and deſtroyed.
" All the magiſtrates who were royaliſts were de-
" prived of their offices. The conſpirators, wiſh-
" ing to eſtabliſh in France a royal democracy,
" had uſurped all the powers of the King. The
" army was in a ſtate of univerſal defection. The
" party of the factious, attached to Charles the
" Bad, propoſed to raiſe to the throne a Prince
" of a collateral branch, a Prince who had been
" convicted of having contrived the blackeſt of
" plots to deſtroy the whole Royal Family. A
" public badge of revolt was the ſhameful orna-
" ment of this multitude of conſpirators. The
" Provoſt of Paris had given up the gate St.
" Antoine to the Engliſh and the Navarreſe.
" King John was then a priſoner in London, and
" the Regent was a minor. In ſuch unfortunate
" circumſtances, theſe highly culpable States,

" taking advantage of the captivity of the Mo-
" narch, and the minority of the Regent, who
" afterward became ſo celebrated under the name
" of Charles V. diſputed the right of the King to
" make war and peace.—But the French Nation,
" ſoon reſuming its ancient character, repulſed
" and exterminated, as public enemies, thoſe
" madmen who had wiſhed to ſubſtitute the
" principles of a democracy, that is to ſay, a ge-
" neral inſurrection, for the ancient Government
" of the kingdom. The States of 1359 formally
" acknowledged the right of making peace and
" war to appertain to the King; and when they
" refuſed to abide by the treaty concluded be-
" tween John and Edward, they alledged no other
" pretext for their refuſal, but that the King was
" a priſoner. Such was the period of horror and
" carnage in which our fathers heard, for the firſt
" time, of thoſe ſtrange ſyſtems which are now
" revived in this Aſſembly. I doubt whether
" this ſketch of the hiſtory of thoſe times, to
" which we have been compelled to recall the at-
" tention of our adverſaries, ſince they have dared
" to avail themſelves of ſo odious an example, be
" well calculated to gain them, at preſent, the
" confidence of the Nation.

" It is therefore proved by all the fundamental
" maxims of the French Government, that the
" right of declaring war appertains to the King;
" and that the King would ceaſe to be a King, if

" this

" this prerogative were taken from him, if he " were not the only repreſentative of the Nation " with reſpect to foreign Powers; or, at leaſt, it " certainly will not be denied that ſuch a phantom " of a King cannot be the Monarch of the French " Nation."

The Abbé Maury is not leſs convincing, when, paſſing from the queſtion of right to the conſideration of national intereſt, he aſks the Aſſembly, why it ſhould be ſo anxious concerning the delegation of a right which it is impoſſible to exerciſe, and ſtill more to abuſe, without the aſſiſtance of thoſe means of which it alone has the diſpoſal? " And how it can anſwer for the ſafety " of the Nation, if, after having reſerved to the " Legiſlative Body the power of raiſing taxes, by " rendering its conſent indiſpenſable, it ſhould " likewiſe delegate to it the right of making peace " and war?—How may this body, ſet free from " all reſponſibility, expoſed to the perſuaſion of " eloquence, the ſeduction of gold, the menaces " of a miſled and tumultuous populace, and, eſ- " pecially, to the firſt emotions of a patriotiſm " not guided by reaſon and reflexion, how may " it, I ſay, inſpire the Nation with the ſame con- " fidence as a King who is himſelf a citizen, and " whoſe intereſts are inſeparable from the public " proſperity?—And ſince it is neceſſary that there " ſhould not be a ſingle day in the year on which " this firſt ſentinel of the State ſhould not aſſi-

" duouſly watch all the motions of Europe, how " may Aſſemblies, which indeed are permanent, " but which hereafter will only continue ſitting " during four months of the year, poſſeſs that " continual vigilance which ſhall at once obſerve " the whole of the diſpoſitions, projects, and " means of all the Courts of Europe?—How may " they have that promptneſs in reſolving, without " which the firſt of political advantages, the art " of profiting by the moment, cannot exiſt, or " that ſecrecy without which the deſigns and pre- " parations of France will be inceſſantly diſco- " vered to other nations, who will conceal their " own with the greateſt care."

The ſame reaſoning has been enforced by M. de Mirabeau, with all that energy of oratory for which he is diſtinguiſhed. " I would aſk you " yourſelves," ſaid he to his colleagues, " whe- " ther we are more certain only to engage in juſt " wars, if we delegate the right of making war " excluſively to an Aſſembly of ſeven hundred " perſons? Have you conſidered how far paſ- " ſionate emotions, the effervescence of courage, " or a falſe idea of dignity, may carry impru- " dence?—In all political Aſſemblies, it has always " been under the influence of paſſion that war has " been decreed.—If you leave to the Legiſlative " Body the excluſive right of determining con- " cerning war, will you avoid the danger of " ſlowneſs in deliberations on ſuch a ſubject?

" Will

" Will you not fear that the force of the Nation
" ſhould be ſhackled and enfeebled, as it is in
" Poland, Holland, &c. ?—Will you not fear that
" this ſlowneſs ſhould ſtill increaſe, either becauſe
" our conſtitution inſenſibly takes the form of a
" great confederation *(prophetical and moſt re-*
" *markable words)*, or becauſe the Departments
" muſt unavoidably acquire a great influence over
" the Legiſlative Body ? Will you not fear that
" the people, being informed that their repre-
" ſentatives declare war in their name, ſhould, by
" that very act, receive a dangerous impulſe to-
" wards democracy, or rather oligarchy; that the
" wiſh for war or peace ſhould be formed in the
" provinces, and ſoon tranſmitted in their peti-
" tions, and thus give to a great multitude of
" people all that agitation which ſo important
" an object is capable of exciting ? Will you
" not fear that the Legiſlatve Body ſhould itſelf
" paſs the limits of its powers, by the almoſt in-
" evitable conſequences of the exerciſe of the
" right of making peace and war ? Will you
" not fear that, to promote the ſucceſs of the war
" it has voted, it may wiſh to influence the ma-
" nagement of it, to direct the choice of generals,
" eſpecially if any misfortunes may be attributed
" to them, and that it may watch over all the
" meaſures of the Monarch with ſo jealous and
" troubleſome a vigilance as ſhall render it in
" fact a ſecond Executive Power ?

" Do you beſides conſider as of no conſequence, " the inconvenience of an Aſſembly obliged to " loſe that time in meeting, which it ſhould employ " in deliberating; or the uncertainty and heſita- " tion which muſt accompany all the meaſures of " the Executive Power, which can never know " how far proviſionary orders may extend? Are " you nôt aware likewiſe of the inconveniences of " a public deliberation on the motives of making " war and peace, a deliberation of which the ſe- " crets of the State (and long ſhall we have ſuch " ſecrets) are often the elements?

" Laſtly, do you think nothing of the danger of " transferring republican forms to a government " which is at once repreſentative and monarchi- " cal? I entreat you to conſider of this danger, " with reference to our conſtitution, ourſelves, " and the King."

It is impoſſible to ſtate with more preciſion and truth the whole of the arguments which ought neceſſarily to lead us to conclude that the King ſhould be left in poſſeſſion of the right of making war and peace; yet this was not the concluſion of the ſpeaker himſelf; nor was that the ſame with that adopted by the Aſſembly. According to him, the King ſhould have the proviſionary exerciſe of this right; according to him, the fact might precede the examination: and, without retarding any urgent meaſure, he had reſerved to the Legiſ-

lative

lative Body to approve or diſapprove of the war, to grant or refuſe the extraordinary ſupplies; to requeſt, but not to demand, a negociation for peace; to proſecute Miniſters, in caſe of hoſtilities being commenced without neceſſity; and to add the national ſanction to treaties of peace concluded with juſtice and reaſon. "I know no other method," ſaid M. de Mirabeau, "to make the Legiſlative "Body uſefully concur in the exerciſe of the right "of making war and peace." Whatever defects or difficulties were found in this project of concurrence, which by ſeparating, in the ſame power, the action from the will, enervated both, it at leaſt avoided a part of the pernicious inconveniences to which the Nation is expoſed by the decree which, authoriſing no hoſtile act, not even though defenſive, without the previous deliberation of the Aſſembly, entirely enchains the Executive Power. When we ſee that, after this decree was enacted, or rather extorted, M. de Mirabeau endeavoured to repreſent it as conformable to his own opinion, and that he became the puſillanimous adherent of the ſyſtem he had at firſt vigorouſly refuted, can we avoid recollecting the words of Ovid, *Video meliora proboque, deteriora ſequor?* May we not alſo apply them to the greater part of the Aſſembly, on whom it is well known what an impreſſion was made by the tumultuous crowds in the Thuilleries, and the ſhouts of the Gallery, on the day of the deciſion of which all the circumſtances are ſo many ſenſible proofs of the danger

of determining on war or peace by ſuch deliberations, and the impoſſibility that an Aſſembly conſtituted as that is, ſurrounded as that is, divided as that is, and governed as that is by influences the moſt contrary to any thing that can be productive of good, can ever form a conſtitution ſo juſtly regulated and combined as to be definitive and invariable.

The ſame turbulent influences, the ſame convulſive ſtarts, the ſame preponderance of extreme and violent opinions over thoſe which are ſage and moderate, are to be remarked on other occaſions, when the decrees of the Aſſembly are in like manner contrary to the national Inſtructions. I have proved, conſiderably at length, how much they are contradictory to them, with reſpect to the form of government; ſo long a diſcuſſion will not be neceſſary to prove the other contradictions which I have ſtated to exiſt between them, on the baſis of the Conſtitution.

2dly, *The Decrees of the Aſſembly are contrary to the Inſtructions relative to the public ſafety, and the liberty of individuals.*

I ſhall make no quotation from the Inſtructions, to prove that they all tend to provide for the defence of the ſafety and liberty of individuals: this is a truth which no one will attempt to diſpute.

Nor

Nor do I pretend that I can cite any decree which formally and expreſsly contradicts the wiſh that liberty ſhould be rendered ſecure and inviolable; the greateſt care, on the contrary, has been taken to exhibit it inceſſantly to the people as the happy goal to which every meaſure that is adopted tends, and to render it the watch-word of the Revolution.

But I maintain that, notwithſtanding the affectation of ſo loudly proclaiming, and aſcribing with ſo much emphaſis, to the New Conſtitution, the recovery of political and civil liberty, never has it been more violated, under both theſe relations, than ſince its pretended re-eſtabliſhment; and that it cannot be more endangered than it is by the principles which our modern legiſlators have introduced.

Is it aſked, what are the decrees of the National Aſſembly which contain theſe principles deſtructive of liberty, and productive of all the kinds of oppreſſion that France has experienced ſince ſhe has been told that ſhe is regenerated, and " that " five and twenty millions of people who had gone " to ſleep ſlaves had awakened free?"

Theſe decrees are thoſe which, by the chimerical and anti-ſocial dogma of an indefinite equality, have diſorded every head, opened every door

to

to licentiouſneſs, and delivered up the kingdom to all the exceſſes of popular fanaticiſm.

They are thoſe which, having placed between the different powers only limits dependent on thoſe very perſons who are moſt intereſted to tranſgreſs them, and having annihilated the only means of holding thoſe powers in equilibrium, have by that prepared, and introduced into the very boſom of the Conſtitution, the danger of an oligarchical deſpotiſm, and national enſlavement.

They are thoſe which, in fact, have ſoon after realized this danger, when, under pretext of organiſing the powers eſſentially diſtinct, the Legiſlative Body has concentrated them all in itſelf; when it uſurped from the Executive Power the diſpoſal of the military forces*, and all kinds of adminiſtrative functions†; when it wreſted from the

* We might here cite, were it neceſſary, the decrees which have determined that troops ſhould or ſhould not be ſent; that they ſhould remove, or remain where they were. The King has not even been ſuffered to retain the right of making military regulations for the fleet and army.

† The queſtion is not, on what part of the adminiſtration the Aſſembly has encroached, but whether there is a ſingle one which it has not invaded. The Miniſters are only ſubaltern clerks to the Aſſembly, and their reſponſibility is loſt in their inſignificance. They are only what it is permitted, or preſcribed to them, to be; for *to requeſt*, and *to preſcribe*, is now only the ſame thing.

the judiciary power, the examination of accuſations, the right of regulating, ſuſpending, and even totally ſtopping legal proceedings, and the optional power of pronouncing itſelf awards, interdictions, and cenſures, or of referring the deciſion of the caſe to whom it may think proper*; when it thus confuſedly accumulated in itſelf all the delegations of the ſovereignty, which is the characteriſtic of Tyranny.

They are thoſe which, by the eſtabliſhment of a national guard, monſtrouſly exceſſive, have placed the power in the hands of thoſe who ought to obey, and taken it from thoſe who ſhould command; which, by arming the people, and populariſing the army, have occaſioned inſurrections among the former, and the neglect of diſcipline in the latter, at the ſame time that they have deprived the State of all means of repreſſing the conſequences; and which, deſtroying

* The Aſſembly has more than once been known to cauſe informations to be given in to itſelf, to ſtop the courſe of proceedings, and to revoke decrees. It not long ſince annulled the criminal proceſs which the Court of Aids had inſtituted againſt thoſe who had burnt down the Barriers, and ſet at liberty the criminals. Had the King done ſuch a thing at the time when he poſſeſſed the whole power of the State, what exclamations ſhould we not have heard againſt tyranny and the ſubverſion of law and juſtice? But now, when theſe powers are divided, and the Aſſembly has acknowledged the neceſſity of ſeparating the exerciſe of them, what ought we to think of ſuch conduct?

deſtroying all the ſprings of government, and all the activity of the Executive Power, have rendered the maintainance of public order impoſſible, while rapine and every kind of crime triumph, without fear of puniſhment.

They are thoſe which have, in like manner, enervated the judiciary power, by ſuppreſſing, without making any proviſion to replace them, the great bodies of the magiſtracy, which alone were capable of repreſſing the exceſſes of the multitude, by an aweful authority, and the ſolemnity of their deciſions.

They are, in general, all thoſe which have abaſed the Throne, and degraded the royal prerogative, without which there cannot exiſt, in a monarchy, either ſafety or liberty.

They are, in particular, thoſe which have inſtituted Committees of Inquiſition, the very name of which alone announces ſlavery.

Thoſe which, to the abuſe of extraordinary commiſſions, which have at all times been conſidered as the moſt odious inſtruments of deſpotiſm, have alſo added proſecutions for the arbitrary, and hitherto unheard-of, crime of *high treaſon againſt the Nation.*

Thoſe which have authoriſed the continual violation of the ſecrecy of correſpondence by letters.

Thoſe

Thoſe which have increaſed the trouble and inconveniences of paſſports, by permitting travellers to be tormented by vexatious enquiries and examinations, under the moſt frivolous pretexts, and in conſequence of the vileſt calumnies.

Thoſe which have annihilated, even in the Aſſembly itſelf, the liberty of ſpeaking freely, either by precipitately cloſing the debates, or by refuſing to notice the complaints of thoſe members who, for having given their opinions according to the dictates of their honour and their conſcience, have been inſulted, ill-treated, and aſſaulted, by a *populace thirſting for their blood.*

Thoſe which have puniſhed thouſands of citizens and the Municipalities of conſiderable cities, for having addreſſed to the Aſſembly petitions, which, in the moſt reſpectful terms, teſtified their alarms for religion, their ardent wiſh for the re-eſtabliſhment of the royal authority, and the reviſion of the decrees contrary to the Inſtructions, and reputed injurious to the public tranquillity, the good of the State, and even the completion and eſtabliſhment of the Conſtitution.*

Thoſe

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* See on this ſubject the very important Note which, on account of its length, I have placed among thoſe at the end of this work.

Thoſe which have given the name of patriotiſm to the audacity of the deputies of ſome other cities, when, in the midſt of the Aſſembly itſelf, they ſtigmatized three hundred of its members as traitors to their country, and declared *that they devoted to execration and infamy thoſe who ſhould dare to offer any remonſtrances.* *

All thoſe, in fine, which by expreſsly declaring the approbation of the Aſſembly, or by a denial of juſtice, have connived at the illegal and oppreſſive acts committed, ſometimes by the Municipalities, and ſometimes by the town-guards; and which have favoured the crying abuſe of ſo many extra-judicial arreſts, always complained of in vain, and never followed by puniſhment.

Of what importance is it, whether it be in conſequence of formal decrees, or only by the effects of the legiſlative operations of the Aſſembly, that public

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* Theſe are the preciſe words employed by the Deputy of the Department of which Verſailles is the chief place, in the ſitting of the 25th of June laſt; and, notwithſtanding the efforts made by the *right-hand ſide* * of the Aſſembly to obtain juſtice for ſuch an outrage, the Deputy continued his harangue; after which, the Preſident told him that *the Aſſembly was ſenſible to the expreſſions of his patriotiſm.*

* In the National Aſſembly, the Oppoſition, or friends to the King, are ſeated on the right-hand ſide of the Hall, and the Revolutioniſts, or *Democrats*, on the left.

public and individual liberty, the preſervation of which had been preſcribed by the Inſtructions, has been thus violated? Is it unjuſt to attribute to the Revolution the conſequences of the Revolution? Is not that which is done with impunity, when all power is lodged in the Aſſembly, the act of the Aſſembly itſelf? Can the effects be ſeparated from the cauſe; and can we doubt of that cauſe, when the effects are repeated, general, perſevering, and continual? But can they be more ſo than they are? Can it be denied that, for a year paſt, from one end of France to the other, and even beyond the ſeas which are the boundary of her dominions, troops of hired ſpies, and emiſſaries of the Committee of Reſearches, cloſely haunt every one who is ſuſpected of not thinking the ſame as the majority of the Aſſembly? Do not theſe ſatellites of tyranny beſiege ſuch a perſon, even in the inmoſt receſſes of his houſe, corrupt his domeſtics, laviſh bribes to ſeduce thoſe in whom he places the moſt entire confidence, and thus collect infamous materials for accuſations, even forging them, ſhould they be wanting, according to the dictates of their wicked imaginations? Should this charge be denied, I am able to bring proofs of it that would make more than one perſon bluſh.

Is it not equally notorious that, at no time, not even excepting the periods moſt ſtigmatized with the reproach of Deſpotiſm, have there been ſo many illegal impriſonments, as ſince within a year,

year*, or ſo many attacks on the ſecurity of individuals? Shall I recount, to ſatisfy thoſe who may doubt, the abominable ſeries of acts of violence, maſſacres, and inhuman executions, the remembrance of which muſt make every ingenuous mind ſhudder? Shall I call to witneſs the manes of that multitude of reſpectable citizens, of every rank and condition, who have been ſacrificed by popular fury? Shall I relate by what crimes even the aſylum of our Kings has been violated, their Royal Majeſties inſulted, their auguſt perſons ſhamefully forced away, by a frantic mob which, in its triumphal return, carried as trophies before them the bleeding heads of their guards, murdered at the foot of the throne?—Better, doubtleſs, would it be to turn away our eyes from theſe ſcenes of horror, which would diſhonour the Nation, if the Nation could be confounded with thoſe troops of ruffians who are ſold to intriguing ſtatesmen more vile than themſelves, or if we could miſtake for it a multitude miſled and provoked to deſpair by the continual ſuggeſtion of imaginary plots againſt the rights of the people, which threaten all France with maſſacre and deſtruction, but among which not a ſingle one can be found that can be proved to have exiſted, not one which may appear worthy of the attention that it has been affected

* See, among the Notes at the end of this work, that relative to theſe impriſonments.

affected to pay to it; not one, in fine, which has not been made either the pretext or the excuſe for ſome act of oppreſſion, and of which the principal object has not been to inſpire the people with panic terrors, ſentiments of vengeance, and ſanguinary rage. * Why ſhould I fill this work with afflicting

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* Great and bloody plot of the army of the King againſt the inhabitants of Paris; the accuſation of Marſhal de Broglie, and the proceſs againſt the Baron de Bezenval, both declared innocent.

Plot for the eſcape of the King; and proceedings againſt the Sieur Augeard, who was acquitted.

Plot to deliver up Breſt to the Engliſh; an abſurd chimera in which ſome writers have repreſented me as engaged.

Plot for a counter-revolution, by M. de Favras, who was put to death, though innocent.

Plot by M. de Voiſin, ſupported by no other proof than a letter found or put in his pocket, after he had been ſhamefully maſſacred.

Plot of the Marquis de Lautrec; decreed to have exiſted, on the faith of the moſt abſurd and calumnious accuſations.

Plot of the Ariſtocrats, who have their imaginary rendezvous at Avignon; the pretext of a dreadful maſſacre which ſtill continues.

Parliamentary plot, and atrocity attributed to a Counſellor of Bezançon, acquitted, but not avenged for the calumny.

Plot of the Clergy of Languedoc, which conſiſted only in ſome reſpectful petitions from the Catholics.

Plot of the Nobles, conſiſting only in cauſing their poſſeſſions to be ravaged, and burning their houſes, for the pleaſure of calumniating the people.

afflicting recitals, the principal circumſtances of which, whatever artifice may be employed to ſoften their atrocity, muſt be long preſent to every mind, and of which unhappily examples are every day renewed.* Let us rather endeavour to efface them from our annals, and confine ourſelves to make known the principle from which they originated, to prevent their repetition: let us ſum up all in this inconteſtable concluſion, that the word *Liberty*

Plot of the Count de Maillebois, in which, it is pretended, a Miniſter of State was engaged, who defies any perſon to produce the ſlighteſt foundation for ſuch an accuſation.

How many other ſimilar plots have ſerved to foment inſurrections! How many ſtill remain in the papers of the Committee of Reſearches! And how many more may there not yet be invented, ſo long as this expedient, hackneyed as it has been, ſhall be capable of exciting popular fury!

* The aſſaſſinations of Rulli and Voiſin are not the laſt which have put reſpectable families in mourning. The horrid fate of the Marquis de Rochegude, the Marquis de St. Aulan, the Abbé Offray, and many others, murdered at Avignon, by the effect of what foreigners now call *the French malady*, pollutes, at this moment, the public prints. On the firſt of this month, M. de Clermont-Tonnerre informed the Aſſembly that, at Ris, an old man, ſeventy-four years of age, had been inhumanly maſſacred by the populace, and five perſons very dangerouſly wounded. Still more recently, we have been informed of the murder of the Preſident d'Albertas, committed on the very day of the general Federation, and while he was celebrating it at his country ſeat. On the ſame day, the Sieur Fournier, *Officier des Eaux et Forêts*, was ſtoned to death at Claix in Dauphiné. My feelings will not permit me to inſtance any more of theſe acts of barbarity.

Liberty has been ſhamefully abuſed; that the people have been moſt unneceſſarily armed, and moſt unjuſtly irritated, in the pretended cauſe of Liberty, at the very time, when all its advantages were promiſed to them by a King leſs jealous of his power than any former Monarch; that Frenchmen have been inſtigated to obtain this liberty by furious acts of violence, when they might have acquired it, without effort, by the beneficence of their King; and that boaſts are made that it has been reſtored to the Nation, while yet it no where really exiſts.

It exiſts not in the Head of the Nation, who is reduced to will only what the Aſſembly ſhall determine, to have no power but what the confederates may grant him, and to act only as he ſhall be permitted by his guardians.

It exiſts not in the National Aſſembly, where the imperious clamours of the populace are heard; where the turbulent galleries interrupt the ſpeakers, ſometimes by deciſive acclamations, and ſometimes by terrifying vociferations; where, in fine, the leaſt danger riſked by him who ſhall venture to oppoſe the ideas of the demagogues, is to be rediculed, hooted, and inſulted.

It exiſts not in the primary or elective Aſſemblies, from which have been excluded, by open force and unheard-of violence, the Nobles, who

had an inconteſtable right to be preſent at them; unfortunate Curates who have paid with their lives for imagining they had the ſame right; and, in general, all thoſe who are ſtigmatized with the name of Ariſtocrats; a word *which every man who has a conſcience and a heart ought to abſtain from pronouncing, ſince it is engraved on the ſwords of all the aſſaſſins.*

It exiſts not in the Judges, who are menaced, and terrified, and in danger of being murdered, when they conſult only their conſcience; whom integrity forces to reſign their office, when fear does not compel them to ſacrifice their duty.

It exiſts not in individuals, of which the moſt worthy claſs is ſubjugated by that leaſt deſerving eſteem, and condemned to a ſlavery which extends to their words, their writings, their correſpondence, their thoughts, and even their intentions.

It exiſts not in a kingdom divided into forty-four thouſand Municipalities, exerciſing an arbitrary power over the citizens, but dependent themſelves on many millions of national guards, who deliberate with arms in their hands.

Liberty therefore no where exiſts; and I will dare to affirm that it exiſts not even in the hearts of thoſe who have it continually in their mouths, who make uſe of its ſacred name to promote their execrable

execrable deſigns, and who immolate while they invoke it.

O LIBERTY! ſo miſtaken, ſo inſulted, by the Nation which believes it is combating for thee, at length unveil to its eyes the auguſt traits of thy ſacred character! Give it to know that by the ſide of thy noble pride repoſe mild humanity, juſtice, and generoſity; that there is no virtue to which thou art a ſtranger, and no violence which can be allied to thee. Let Frenchmen ceaſe to confound thee with Licentiouſneſs, thy implacable enemy; let them acknowledge that the moſt atrocious and abſurd of tyrannies is that which compels all opinions to give way before its menacing ſword, and which only permits reſt, ſecurity, and ſucceſs, to its ſlaves;* and let them at length compare the tranquillity thou didſt promiſe them from the ſimple fulfillment of the Inſtructions, aſſented to by their King, with the dreadful convulſions the Nation has ſuffered ſince the mad tranſgreſſors of theſe ſame Inſtructions have miſled their reaſon.

* This invocation is taken almoſt word for word from an anſwer, well deſerving to be read throughout, which the ſage and impartial M. Malouet has publiſhed, in vindication of what he had ſaid concerning the Executive Power; *he not having been permitted to reply from the* tribune *to five orators who had ſucceſſively attacked his opinion.*

3dly, *The Decrees of the Aſſembly are contrary to the Inſtructions relative to Property.*

" Property," ſay the Inſtructions, " being the " ſtrongeſt bond which unites the citizen to his " country, let it be placed under the ſafeguard of " the laws; and let the laws inceſſantly watch, to " prevent any attack being made on it, under " any pretext whatever, even that of the public " good. . . . It is a duty which the States-General " owe to themſelves, to the Nation, and to all " Europe, to give an example of the moſt invio- " lable reſpect for all rights founded on the au- " thority of the laws, or the faith of treaties, and " for all kinds of property. . . . . No infringement " ſhall be made on any local laws, nor on any " treaties or capitulations, under the condition " and faith of which different countries have been " united to the kingdom, but by the expreſs con- " ſent of the three Orders of the ſaid country. . . . " The Nobility charge their deputies to reiterate " to the Aſſembly their free renunciation of all " exemptions and privileges relative to taxes . . . . " but, conſidering that all property is ſacred and " inviolable, they declare they will never conſent " to the abolition of rights which have hitherto " been the characteriſtic of the Order of the No- " bles, and which they derive from their anceſ- " tors. . . . They expreſsly enjoin their deputies to " oppoſe every thing which may tend to injure " rights that are profitable and honourable to

" their

" their eſtates .... and if ever, contrary to all ex-
" pectation, the Commons, miſled by inſtigations,
" ſhould make demands injurious to property;
" if, unſatisfied with the declaration of the two
" firſt Orders, who conſent to bear a perfectly equal
" ſhare of all pecuniary impoſts, they ſhould
" propoſe unjuſt decrees, having for their aim the
" violation of property, ſuch as the forced re-
" demption of manor-duties, or the converſion
" of rent in grain into rent in money; the de-
" puties are in this caſe enjoined to declare that
" they cannot take part in any deliberations on
" that ſubject; that the States-General, being the
" ſupreme conſervators of property, cannot per-
" mit any propoſition to be diſcuſſed tending
" to violate it; and they ſhall add to this decla-
" ration a ſpecial proteſt againſt any deliberation
" or reſolution on the queſtion."*

The two other Orders have expreſſed themſelves in the ſame ſpirit, and given the ſame injunctions to their deputies.

" Vain would be the endeavour," ſay the Inſtructions of the Clergy, " to render the founda-

* Cahiers de la Nobleſſe, Labour, folio 4.
Melun and Moret, page 9.
Alençon, page 19.
Douay & Orchies, page 9.
Lyon, page 13.
Montargis, page 7.
Bas-Vivarais, fol. 18, &c. &c.

" tions of government ſolid and ſecure, while the
" principles on which the individual property of
" all the claſſes of ſociety reſt may be eluded or
" attacked. . . It is abſolutely neceſſary that all the
" citizens ſhould preſerve inviolably every kind
" of their property, moveable and immoveable,
" honorary and profitable, individual and com-
" mon, or of whatever nature it may be; that all
" the citizens ſhould, in like manner, preſerve
" every kind of uſufructuary property, and, in
" like manner, with free enjoyment; and that it
" ſhall be preliminarily declared, in the States-
" General, that no perſon ſhall be deprived of his
" property, not even on account of the public
" works, without receiving an adequate indemni-
" fication....The Clergy, requiring no exemption
" or immunity with reſpect to taxes,.....mean to
" preſerve, as a precious depoſit tranſmitted to
" them by uninterrupted ſucceſſion during four-
" teen centuries, their properties, perſonal and
" honorary rights, rank, and prerogatives .....
" To ſuffer theſe to be diminiſhed, would be to
" betray the intereſts of religion, and to render
" themſelves culpable in the eyes of poſterity....
" The Clergy enjoin their deputies to proteſt
" againſt every thing which may be injurious to
" the rights and dignity of their Order*.

" As

* Cahiers du Clergé, Meaux, page 9.
Dijon, page 4, article 3.
Item, page 5, art. 4.
Mantes & Meulan, page 18, &c. &c.

" As the right of property ought to be ſacred," ſay the Inſtructions of the Third Eſtate, " it ſhall " be demanded that no perſon ſhall be deprived " of any part of his property, not even for the " advantage of the public, without receiving an " indemnification, to be aſſigned to him, without " delay, by proper referees, choſen by the parties " intereſted:—and this principle ſhall have the " ſame effect retroactively, in favour of perſons " who may have been deprived of their property " without having been indemnified *."

The National Aſſembly has ſolemnly ratified this unanimous wiſh of all the Orders by one of its conſtitutional principles, conceived in theſe terms: " Property being an inviolable and ſacred " right, no perſon can be deprived of it, except " when public neceſſity, legally proved, evidently " requires it, and under the condition of a juſt " and previous indemnification *."

The Aſſembly has therefore acted equally in contradiction to its own principles and to the mandates of its conſtituents, in all its attacks on legal

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* Cahiers du Tiers Etat, Rennes, article 24.
Paris *extra muros*, art. 14.
Item, article 16, &c. &c.

† Article 17 of the Conſtitution, ſanctioned October the 5th, 1789.

legal property, the inviolability of which, of whatever ſpecies it may be, and by whomſoever poſſeſſed, is declared both by the Inſtructions and the New Conſtitution. The Aſſembly ought therefore to have protected every ſpecies of it; but it has violated every ſpecies.

Rights in perpetuity, and rights of uſufruct; profitable rights, and rights honorary; acquired rank, and poſſeſſions annexed to offices or conditions; rent-charges, and aſſignments by mortgage—all have been violated: no kind of rights have been ſecure.

The public property of the provinces, the property of the Clergy, the property of the Nobility, the property of the Magiſtracy, the property of individuals of every claſs of citizens, all have been invaded; no order of perſons has eſcaped.

The notoriety of the facts renders it unneceſſary to adduce proofs. I ſhall only recapitulate, and explain, in a few words, the diſtinguiſhing characteriſtics of each of theſe different invaſions of property.

The property of the provinces has been violated by the abolition of the rights and general privileges which they enjoyed, in virtue of their capitulations, or the compacts by which they were united to the Crown. I ſhall not examine whether ſuch

ſuch rights are or are not incompatible with that uniformity of adminiſtration which, I have always been of opinion, we ſhould endeavour to approach as much as poſſible, but which I can never believe can be rendered complete in a kingdom conſtituted like France. But whatever opinion may be entertained on this ſubject, it is not leſs true that theſe rights and privileges, though we ſhould grant that they ought to be annulled and ſacrificed to the general intereſt of the State, without making any attempt to alter and accommodate them to what that intereſt requires—it is not leſs true, I ſay, that they cannot be aboliſhed by the mere will of the Legiſlative Body, in contradiction to the Inſtructions of the primary Aſſemblies, which have expreſsly forbidden their repreſentatives to acquieſce, in any manner, in ſuch a meaſure. The axiom, that a thing can only be diſſolved in the ſame manner as it was compoſed, is here applicable. But the rights in queſtion have been ſtipulated with the three Orders, repreſenting the generality of the inhabitants of each of the provinces to which they appertain; they cannot therefore be changed or altered, and ſtill leſs annulled, but by the *expreſs conſent of theſe three Orders*, as the Inſtructions have explicitly declared; and even the three Orders, which are only guardians for the inhabitants, and conſtituted ſuch by the inhabitants, cannot diveſt themſelves of their truſt till they have certified themſelves that ſuch is the general wiſh of the inhabitants, who,

who, hitherto, far from having teſtified any ſuch wiſh, have previouſly proteſted againſt all attempts contrary to thoſe rights the preſervation of which is the condition of their ſubmiſſion to the French government.

By what right does the Aſſembly imagine itſelf authoriſed to break the treaty which conſtitutes the public rights and privileges of a country, and the clauſes of its incorporation with the kingdom, againſt the conſent of the contracting parties? And how can the evident incompetence of the Legiſlative Body to commit ſuch an infraction be removed by the concurrence of the Municipalities, which are incapable, under every point of view, of ſupplying the place of the three Orders of their province, and ſtill more of doing what thoſe three Orders themſelves could only do conditionally; ſince their act muſt receive the ratification of the inhabitants, to render it valid? Becauſe ſome citizens of the towns of Rennes, Arras, Lille, Aix, Dijon, Grenoble, Bezançon, and Straſbourg, have addreſſed ſome formal compliments to their creators, on operations which, without any diſcuſſion of their utility, or concurrence of the parties intereſted, have annulled the compacts and conventions on the faith of which the provinces of Bretagne, Artois, Flanders, Provence, Burgundy, Franche-Comté, and Alſace, make a part of the French Nation, can we ſeriouſly believe that theſe provinces will acknowledge that they are legally deprived

deprived of their rights, or that it will be poſſible to perſuade them that they have ceaſed to be what they have always been, and what the Sovereign to whom they ſubmitted has ſworn to them that they ſhall continue to be, ſo long as they ſhall obey him as faithful ſubjects?

Perhaps the time may come, when all theſe conquered or added provinces may conſent to be transformed from *Pays d'Etat*, * which they before were, into Departments of the new conſtruction; perhaps, in conſequence of having been perſuaded that they ſhall loſe nothing by the new-modelling of their conſtitution, and its being intermingled in the general amalgama, or impelled by a noble emotion of patriotiſm generouſly to ſacrifice the advantages they enjoy for the perfection of a plan, the utility of which has been demonſtrated to them, they will voluntarily renounce all diſtinction from the other parts of the kingdom, except the increaſe of burdens, neceſſary from their ſituation as frontier provinces; but until they ſhall have given this conſent in form, the Aſſembly, which has received no notification from them, except an expreſs prohibition to their deputies ever to give this conſent, can neither ſuppoſe

* Provinces which had the privilege of raiſing, by their own aſſemblies, the contributions they were to pay towards the expences of the State. T.

ſuppoſe nor diſpenſe with it. I will ſay more: the Nation, conſidered as ſeparated from theſe privileged provinces, that is to ſay, the union of the other provinces, who in number form the majority, cannot legally annull rights which do not appertain to it; rights which the whole Nation, by its Head, has engaged to maintain, and founded on a reciprocal oath, from which one of the parties cannot be releaſed without the conſent of the other.

It is therefore demonſtrated, more fully than perhaps is neceſſary, that the abolition, without conſent of the parties intereſted, or at leaſt premature, of the rights appertaining to the *Pays d'Etat*, and privileged provinces, is, on the part of the Legiſlative Body, an illegal invaſion, and a violation of property.

The property of the Clergy, if it is not, like that of the provinces, founded on the law of Nations, may at leaſt be conſidered as appertaining to the conſtitutional law of the kingdom; and if we conſider, on the one hand, the number of charters, ancient monuments, and authentic titles which have, ſucceſſively and continually, ſanctioned the poſſeſſions of the Church, and, on the other, the cloſe connexion there is between the preſervation of religion and the neceſſity of ſecuring a ſubſiſtence to its miniſters on a foundation more ſolid than a ſalary dependent on the various circumſtances

circumſtances which may prevent it from being paid by the Public Treaſury, we muſt allow that there is no property the right to which is better eſtabliſhed, or which is more reſpectable on account of its object.

But if it is admitted to be a property, that is ſufficient, according to the text of the Inſtructions, and the decree of the National Aſſembly, to guard it from every attack; and it certainly is impoſſible ſeriouſly to doubt that what appertains to the Church, and what the Church has acquired under the authority of the laws, and poſſeſſed, without diſpute or moleſtation, for many ages, is a real property, ſince property is only *the right which any perſon or perſons have to poſſeſſions lawfully acquired.*

In vain is it that lawyers of learning and ability, but accuſtomed, like the reſt of their profeſſion, to ſeek, and too eaſily find, the means of defending bad cauſes, have employed all the ſubtilties of their art to prove that the Church cannot poſſeſs property as a proprietor. I have already refuted the frivolous arguments with which they have endeavoured to ſupport this ſyſtem *.

I have

* Pages 102—107 of this work. I am perhaps liable to the charge of repetition, becauſe the ſame ſubject recurs under another face; it is beſides aggravated by the extreme ſcantineſs

I have ſhewn that a moral and collective body, ſuch as the Clergy, is capable of poſſeſſing landed property. The ſale now making of the patrimony of the Church to the Municipalities is a confeſſion of this.

I have proved that the property of the eccleſiaſtical poſſeſſions neceſſarily reſided in the Clergy, ſince it did not reſide in any other poſſeſſor, or pretender to a right; and that the public could only demand that it ſhould be applied to the purpoſes for which it was beſtowed.

I have ſhewn the falſity of the concluſion, that, becauſe the Clergy cannot ſell, they therefore are not proprietors; whereas, on the contrary, the interdiction from alienating, ſuppoſes the exiſtence of property, and is intended for its preſervation.

Laſtly, I have obſerved that, though we ſhould reduce the real property of the Church merely to the enjoyment of it by the eccleſiaſtics, we ſhall be at leaſt compelled to acknowledge an uſufructuary property;

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tineſs of the ſtipends that have lately been allotted for the Biſhops and incumbents.—It will be perceived, in more than one place, that this work was written at ſeveral times, and as the events occurred. I was at firſt unreſolved whether I ſhould publiſh it; and now that I think it may be of ſervice to give it to the world as ſoon as poſſible, I have not time to rewrite it, and arrange its contents in a better order.

property; and this ſpecies of property is comprehended in the inviolability which Juſtice, the Inſtructions, and the New Conſtitution, guarantee to all property whatever.

I ſhall not ſtay to enlarge further on truths ſo manifeſt: it is pitiable to ſee in what a manner the leaders of our new legiſlators employ their wit and logic, to prove that what has been believed in all ages and all countries, and what is viſible by its effects to all eyes, does not exiſt. But whatever may be ſaid concerning the property of the Clergy, there is one point of fact which cannot be denied; which is, that if there are in the kingdom, as is ſaid, a hundred and thirty thouſand perſons who have devoted themſelves to the Church, in the perſuaſion, founded on the laws, that the Church had poſſeſſions, revenues, and means of ſubſiſtence, to diſtribute to its miniſters—who, in the hope of participating in this diſtribution, have ſacrificed their liberty, and all the advantages of ſociety to which they might have laid claim—who being authoriſed to conclude that the poſſeſſion of a biſhopric, an abbey, or any benefice whatever, was a certain and inconteſtable poſſeſſion, had, in conſequence, regulated the expences they might allow themſelves, the charities they might beſtow, the ſuccours they might grant to their relatives, and the improvements they might make on the lands of which the concurrence of both ſpiritual and temporal powers had given them the

uſufruct—I would aſk whether to deprive theſe hundred and thirty thouſand citizens of the conditions of the ſtate of life they have embraced, and the compenſation of the ſacrifices they have made—to take from them the income on which they have founded all the arrangements of their future lives, and to reduce them to have only uncertain ſalaries, ſome the half, others the quarter, and others but the tenth or twentieth part of what they had before in legal poſſeſſions, be not to commit a hundred and thirty thouſand acts of injuſtice and violation of property, and as many infractions of public faith?

The people would revolt at this treatment of the Clergy, had not their leaders begun by rendering odious to them, and encouraging them to ridicule, the miniſters of religion. But will not this people, too long blinded and miſled, at length perceive that to ruin thoſe by whom they lived is to ruin themſelves? Will they never be ſenſible that thoſe who can violate one ſpecies of property, may violate every other? Will they never diſcover that they have been egregiouſly duped in being made to miſtake the acts of Tyranny for the ſymptoms of Liberty?

The property of the Nobility has not been more reſpected. When the nineteen decrees precipitately enacted in the night of the 4th of Auguſt 1789 appeared, I made, on ſeveral of the ſuppreſſions

preſſions they contained, reflexions which doubtleſs did not eſcape any perſon who is yet capable of cool examination. I obſerved that, in the warmth, not to ſay the fury, of zeal, which in a moment had demoliſhed the ancient edifice of the feudal ſyſtem and all its acceſſories, no attempt was made to diſtinguiſh between the abuſe and the principle, or to ſeparate what ought to be aboliſhed as incompatible with public liberty, from what might have been preſerved without inconvenience, corrected with advantage, or purified from every veſtige of ſervitude; and to determine with the exactneſs preſcribed by the Conſtitution itſelf, the caſes in which indemnification would be due, and thoſe in which it would not. I then collected in a Memoir, of which I made no uſe, the maxims of natural, and the conſequences deducible from poſitive law, which appeared to me clearly to eſtabliſh,

1ſt, That, in general, Seigniorage, the origin of which is cloſely connected with that of our monarchy and its principles, contains in itſelf nothing unfavourable, even in the eyes of a philoſophical reaſoner on the hypotheſis of the ſocial inſtitution, and that it is rather uſeful than injurious to public order.

2dly, That juſtice, correlative to Seigniorage, has an original relation to landed property; and that, conſidered as a feudal right, it preſents the

idea of the duty of a Lord towards his vaſſals much more than that of the ſervitude of the vaſſal towards his Lord; that the rights of juſtice, and the honours which depend on them, ought not, therefore, to be confounded with other rights introduced by the feudal ſyſtem, which, being barbarous, degrading, and often ridiculous, might be ſuppreſſed without any indemnification; and that it would be of as great advantage to liberty as to the general police, from which liberty is inſeparable, if the Lords, *the proprietary Magiſtrates of their villages* *, as they have been called by one of our greateſt lawyers, exerciſed on their eſtates the functions of juſtices of the peace †, and conſidered the right of maintaining concord among their tenants as the ſource of their territorial precedence, and their other honorary prerogatives, of which it is juſt, and even uſeful, to preſerve to them the enjoyment, only abrogating whatever in them might be liable to abuſe.

3dly, That the right of the chace, whether it be conſidered as feudal or honorary, or whether it be derived from a grant of the Sovereign, is one of thoſe the abuſe of which moſt required a reform; and

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* Loiſeau des Seigneuries, chap. 11.

† In England, the gentlemen of landed property who reſide on their eſtates, are uſually appointed juſtices of the peace: there are alſo many others who are commiſſioned to act as juſtices.

and that, beyond a doubt, all reſtrictions tending to prevent the exerciſe of this right from being detrimental to agriculture, and the property of the huſbandman, might, and ought to be, regulated by the Aſſembly, conformably to the wiſh of the Inſtructions, without even the neceſſity of an indemnification; but that to aboliſh it entirely, as the Aſſembly has done, was to go beyond the commiſſion of its conſtituents, to paſs the bounds of public utility, and to violate property in an acceſſory which, having entered into the price of eſtates, could not be detached from them without diminiſhing their value; and that, at the ſame time, it was doing injury to agriculture, by beſtowing on the cultivator a pernicious privilege which might tempt him to neglect his labours.

4thly, That thoſe of the feudal rights which attack liberty, as mortmain real or perſonal, being conſidered as odious relics of ſervitude, intolerable in a free country,—the Aſſembly, when it enacted they ſhould be aboliſhed without indemnification, might juſtly preſume that no remonſtrance would be made on the part of the proprietors, who, in fact, have generouſly ſacrificed them on the altar of Liberty; but that it ought not to have extended the ſame preſumption to the rents repreſentative of theſe rights, whatever their ancient relation to perſonal ſervitude might have been, when for ages paſt they had been tranſmuted into ſtipulated pay-

ments in grain or money; that these rents, having been purchased with the lands to which they appertained, and the value of which they had enhanced, had become a property absolutely legal, unexceptionable, and entirely detached from the odious claim for which they had been substituted; that a purchaser of rents can never be considered in the same light as a purchaser of vassals, under the pretext that, if we go back to distant times, we shall find a property in mortmain, instead of a property in rent; that the receipt of this rent, unconnected with any idea of its origin, is the only thing now to be considered; and that good faith having presided at the different successive acquisitions that have been made of it, and the contracts with the creditors to whom it has been secured as a pledge, to abolish it without indemnification, and by that perhaps reduce a great number of families to beggary, must certainly be to violate justice, property, and the rights of man*.

5thly,

* The Count d'Entragues made the same remark at the time, with all that warmth of language for which he is distinguished. "I cannot," said he, "reconcile myself to the "idea of seeing persons who have purchased these rents, of "the origin of which, though indeed odious, they were ignorant, reduced to the most wretched indigence. If the prosperity of the State is inseparably attached to so much individual misery, we must, it is true, submit; but, I confess, "I could have wished that the edifice of happiness and liberty "should have cost tears to tyrants only."

5thly, That it is difficult to conceive why the Aſſembly has judged it neceſſary, or imagined that it had a right, to change the irrevocable conditions of the engagements contracted between the freehold proprietors and the copyholders, when the latter, receiving from the former the lands which appertained to them, ſubjected themſelves to pay in perpetuity a portion of the produce; engagements which wiſe Adminiſtrations have always viewed with a favourable eye, ſince they have promoted agriculture, and greatly facilitated improvements; engagements that ſhould be held ſacred, ſince they are founded on a free and reciprocal conſent, and are conducive to a good end; engagements advantageous to the people, ſince they are a voluntary means of diſtributing lands to thoſe who have them not, of multiplying farmers who are at the ſame time proprietors, and of enabling the poor to acquire an inheritance at a moderate price paid annually by their labours.

That ſufficient regard ſeems not to have been paid to all theſe advantages, nor to the principles of exact juſtice, when, in the eagerneſs of deſtroying every veſtige of the feudal ſyſtem, every kind of quit-rents, ground-rents, and field-rents, were declared redeemable; that the moſt evident and urgent reaſons of general utility were neceſſary to authoriſe the rendering redeemable what had been ſtipulated to be irredeemable; and the enacting that the copyholders, who would only be here-

ditary farmers of the lands that have been granted to them on condition of certain rents, if, by the means of fines of alienation, they were not enabled to transfer their property in them, ſhould be at once freed from the impreſcriptible quit-rent on the condition of which they held the land, and from the fines without which it was not alienable. That even ſuppoſing the neceſſity of thus annulling all the conditions of a *ſynallagmatic** contract, the Aſſembly was bound to provide a proportionable indemnification for the Lords who had been deprived of theſe rights, which made the moſt valuable part of their domains; but this indiſpenſible obligation is not fulfilled, becauſe the redemptions fixed, by no means amount to twenty years purchaſe for the quit-rents in money, and twenty-five years purchaſe for the rents in grain, and ſo in proportion for all rents due from the land, the value of which is at leaſt equal to that of the beſt lands; and that, in conſequence, the lords of manors and proprietors of land, already injured by the abolition of their judiciary and honorary rights, ſuffer an additional loſs by theſe diſproportionate redemptions of the quit-rents and manor-dues; which loſs is ſo great, that the value of lands is, on account of it, conſiderably diminiſhed; that there is no proprietor of land but ſuffers

* A French law term, ſignifying a contract entered into for a valuable conſideration.

ſuffers by it more or leſs, and that many have loſt the greateſt part of their patrimony. The fact is notorious throughout the whole kingdom; and, conſequently, the violation of the right of property is inconteſtable.

I had explained and enforced each of theſe propoſitions in a Memoir, which I ſhould perhaps have found means to have tranſmitted to ſome one of the members of the Aſſembly, had I perceived that, after the firſt moment of enthuſiaſm in which the reſolutions of the 4th of Auguſt were precipitately paſt, any expectation could be entertained that ſome of them at leaſt might be reviſed and modified; but the events which have followed, and the manner in which the King has been conſtrained paſſively to ſanction all theſe decrees, have proved to me the inutility of my ineffectual reflexions; and even now, when, fully convinced of the impoſſibility of carrying into execution the whole of the decrees of the National Aſſembly, I have endeavoured to ſhew which thoſe are that being contrary to the Inſtructions of the conſtituents are either abſolutely null and void, or require to undergo a national reviſion, I ſhall not inſiſt further on the particulars I have pointed out, but confine myſelf to ſtating, with equal brevity, other injuries to ſeigneurial property reſulting from different regulations paſſed by the Aſſembly ſince the decrees of the 4th of Auguſt 1789.

Many

Many of theſe regulations have aboliſhed, without any indemnification, advantageous rights, founded on immemorial claims and poſſeſſion; as, for example, *bannalités**, when they are ſeigneurial; the rights of *taille à volonté*, or *aide ſeigneuriale*†; and even the rents repreſentative of theſe rights; as alſo thoſe repreſentative of the rights of *watch and ward*. They have, in like manner, aboliſhed all rights on the ſale of moveables, eatables, liquors, and others of the ſame nature; having conſidered all theſe as ſo many abuſes incompatible with liberty, which however ought not to have been eſteemed a ſufficient reaſon for depriving their poſſeſſors of them without a recompenſe.

It is not leſs incredible that the right of *the third denier*, due, in Lorrain, on the ſale of timber appertaining to communities, has alſo been ſuppreſſed, without any indemnification; which takes from many lords of manors the moſt valuable part of their revenne; though their title, ſupported by the law and cuſtom of the province, gives no idea of ſervitude; though the preſumed origin of this claim to *the third denier* has nothing in

* Rights by which the Lord compelled the vaſſals to grind their corn in his mill, bake their bread in his oven, bring their cows to his bull, &c. T.

† Fines due to the Lord on certain occaſions. T.

in it more odious than that of other ſeigneurial rights for which indemnification has been allowed; and though every right the value of which, without being diſputed, has for ages entered into the price of ſucceſſive purchaſes, muſt certainly be a legal property.

Other regulations, while they grant an indemnification for the ſuppreſſion of different profitable manor-rights, have only allowed it in caſe they can be proved to have ariſen from a grant of lands, and have thus made it depend on a condition which cannot always be fulfilled by the proprietors, though their claim may be ſupported by an inconteſtable title, and a poſſeſſion of more than a century. Thouſands of families muſt be ruined by this unjuſt rigour. I know many who are thus ruined, in a cruel manner, by the decrees of the 4th of March, 1790, which have annulled the diviſion of marſhes and commons encloſed by virtue of letters-patent, iſſued thirty years ſince; a meaſure at that time conſidered as wiſe and ſalutary, extremely beneficial to agriculture, and highly favourable to population. I doubt whether the motives on which theſe acts have been paſſed, and which induced me to requeſt that they might be extended to the provinces of which I was adminiſtrator, after having certified myſelf that it was the wiſh of thoſe provinces, have been ſufficiently conſidered and inveſtigated by thoſe who, deſtitute of the local knowledge and experience requiſite to appreciate

appreciate their utility, have not hesitated to pronounce, not only their revocation, but even their *retroactive abrogation, declaring all judgements given in consequence of them null and void*, which is repugnant to every principle of justice and legislation. Ought they not, at least, to have considered the unknown injury which must be suffered by the persons who, under the faith of a law solemnly registered, had been at an immense expence to drain and render productive barren and unhealthy marshes; who, after having indemnified those who had rights on them of little value, have, by long labour, changed places that were abandoned to sterility into fruitful fields, and who have thus bestowed on the State new sources of riches? What property deserved more to be respected than that which has been thus acquired? It was thought just to exempt it from taxes during several years; but what the Government was of opinion ought to be encouraged with a view to the public benefit, our new legislators destroy, without having regard to any interest, either general or particular. They cannot persuade themselves that any thing good has been done before their time.

I shall add nothing to this rapid enumeration of the principal injuries which the Nobility have suffered in their property, because all the remonstrances that may be made on each of them seem now absorbed by an enormous act of injustice, which affects them in a much more sensible part, since

ſince it attacks their rights of birth, their rank, their very exiſtence: of ſuch a nature is it, that, in compariſon of this latter oppreſſion, all preceding diſpoſſeſſions, every act of violence, and all the perſecutions they had before ſuffered, muſt be accounted as nothing.

My readers perceive that I allude to the incredible decree of the 19th of June (1790), which enacts that hereditary Nobility ſhall no longer exiſt in France; that there ſhall be no more titles, no more armorial bearings, no more liveries, &c.

No more Nobility in France, where already there is no more Clergy, no more Magiſtracy, no more Government!....

No more Nobility in France, where the Nobility repreſent the conquerors, founders, and firſt legiſlators of the kingdom; thoſe who placed upon the throne the Head of the Reigning Family!....

No more Nobility in France, where the Nobility, attached ſolely to the profeſſion of arms, have at all times devoted themſelves to the defence of the State!.....

No more Nobility in a monarchy!..... Ought we to believe it, becauſe twenty or thirty perſons, who govern three or four hundred, and by them the

the whole Nation, would have it ſo, as they roſe from dinner? One day they ſaid: *Twenty-five millions of people who laſt night went to ſleep ſlaves, have this morning awakened free*; on another day they ſaid: *Three hundred thouſand perſons, who were noble this morning, ſhall no longer be ſo this evening.* Would it not ſeem that they were armed with an all-powerful magic wand? But the effects have nothing of enchantment in them: theſe twenty-five millions of people, on their awaking, find themſelves more wretched and more to be commiſerated than before; and Nobility will always be Nobility.

It requires an effort to reſolve ſeriouſly to diſcuſs what has univerſally been conſidered as only an object of ridicule; and the National Aſſembly, which it would not be reſpectful to confound with thoſe who, by haſty and raſh motions, have induced it to paſs precipitate reſolutions, at which, the next day, it is itſelf aſtoniſhed, ought to pardon us if we ſhould conſider this decree as an apocryphal act, which ſome malevolent beings have performed, under its name, while it ſlept, and contemptuouſly abandon what is ſo abſurd to the ridicule its extravagance has excited, among all nations, and even among the people of France.

But, on the other hand, this general proſcription of the Nobility, having been inſerted among the Conſtitutional Articles, has become a thing too ſerious

ſerious to admit of any pleaſantry on the metamorphoſis of names, or other abſurdities that follow from it. The conſequences of it are ſo important, and it is ſo cloſely connected with the anti-monarchical ſyſtem of thoſe who propoſed it, that it is eſſential to demonſtrate, that it is neither conformable to the will of the Nation, nor compatible with its intereſts, nor poſſible to be carried into execution.

And, in the firſt place, it is eaſy to perceive how contrary the annihilation of the French Nobility is to the declared general will of the Nation, that property ſhould be preſerved inviolable. Can there be any property more precious, more ſacred, more unalienable, than the rights men poſſeſs by birth, the rank derived to them from their anceſtors, and the hereditary honours which they have always enjoyed under the protection of the laws? Can we doubt, for example, that the Peerage, that firſt dignity of the State, the poſſeſſors of which are great officers of the Crown, and by birth members of the King's Court—the Peerage, which ſupplies the place of fortune in every one inveſted with it, is not a real property, and the moſt noble patrimony that a father can tranſmit to his ſon? Can we believe that a word, a haſty reſolve, in which the public can only perceive the caprice of ſome raſh and inconſiderate individuals, and by no means the national will, can in an inſtant cauſe to diſappear thoſe Nobles of France,

thoſe

thoſe Repreſentatives of the ancient Barons, thoſe venerable ſtocks of the monarchy, created to ſuſtain the throne, as the German Electors were for the ſupport of the Empire; and who, at the coronation of our Kings, appear in the royal habit, with crowns on their heads, carrying together the crown of the King, and receiving from him the oath he takes to be the protector of the Church, its rights, and of his whole people. Will a pre-eminence like this ever be renounced? Is it even permitted any Gentleman to forget from what blood he has iſſued? And if all men in general are ſo attached to their property that they will defend it at the riſk of their lives, can it be expected that thoſe of this diſtinguiſhed claſs, whoſe Honour is their principal inheritance, will ſuffer to be wreſted from them thoſe titles which Honour has beſtowed on them, which Honour has enjoined them to preſerve, and againſt the abolition of which Honour has already proteſted in ſuch energetic and well-founded remonſtrances from every part of the kingdom.

By what right can the Legiſlative Body have imagined itſelf authoriſed to take away a prerogative which it does not appertain to it to beſtow? What inconſiſtency is it in the Aſſembly, after having decreed that liberal profeſſions ſhall not be accounted derogatory to Nobility, and that citizens of all ranks ſhall henceforth be admiſſible, equally with the Nobility, to all offices, eccleſiaſtical,

tical, civil, and military, now to decree that there ſhall no longer be any Nobility? By what mandates, by what delegation of power, has it been authoriſed thus to declare war againſt a part of the Nation, and to dare to degrade the whole French Nobility, againſt which no other power in the world could have committed ſuch an outrage with impunity? And, ſince an act which ſo much ſhocks reaſon and common ſenſe cannot be attributed to an Aſſembly ſo auguſt, what excuſe can thoſe make who have thus proſtituted its name; who, in the extravagance of their frenzy, and hatred of public tranquillity, have reduced three hundred thouſand gentlemen to the deſperate option of leaving France, or defending their rights ſword in hand? a fearful alternative, but which muſt become inevitable, if the Nobility ſee no other choice but one of theſe, or infamy. What law would then condemn thoſe who ſhould fly oppreſſion, or thoſe who ſhould reſiſt it? Will the rights of man permit perſons to be compelled to remain in a kingdom where they can no longer preſerve their rank, the honour of their name, or their moral exiſtence? Do not the rights of man authoriſe us to retake by force what by force alone has been taken from us?

In either caſe the people, who ſee not whither they are led, muſt be the victims of the event; for either they will have to regret the loſs of ſo many thouſand families, which have been the ſup-

port of millions, and whoſe voluntary baniſhment muſt ruin the kingdom, or they muſt fight againſt their own defenders; againſt thoſe who preſerved them both from foreign invaſions and tyrannies at home: ſo that the leaſt evil they could ſuffer, would be a defeat.

To compenſate conſequences ſo horrible, what can be promiſed to the people by thoſe who endeavour to conceal them from their view? Will they encourage them to hope they ſhall ſhare in the ſpoils of the Nobility who refuſe to ſubmit to the annihilation of their honours? As if, by pretending to confiſcate their poſſeſſions, they could alſo confiſcate their courage; as if it were not univerſally acknowledged that the idea of theſe agrarian diviſions would be the moſt dangerous of human follies, were it not, at the ſame time, the moſt chimerical.

But let us paſs all the limits of poſſibility, and, ſince we are diſcourſing on things the moſt inconceivable, let us admit that the omnipotence of the Aſſembly may effect the entire abolition of the Nobility in France, without difficulty, without diſturbance, without any dilaceration of the body politic; but what then muſt become of the military force of the kingdom? what muſt become of its moral reſources? what muſt become of its form of government? queſtions which well deſerve to be ſeriouſly conſidered, though they have not been noticed.

noticed. Little have they been attended to by our youthful knights of an illuſtrious race, who, when they threw away their lances and ſhields to mix undiſtinguiſhed with the crowd, did not perceive, did not feel, that by abdicating their rank they betrayed the duties impoſed on them by it; that, by depriving the kingdom of its ornament, they enervated its power; and that, while they imagined they ſerved the people, they drew on them the ſcourges of deſpotiſm. Let us preſent theſe truths to them in the cleareſt light, and let them bluſh that they could not diſcern them.

If the military ſpirit that characteriſed the Franks be perpetuated in their deſcendants, it is principally in the Nobility, and by the Nobility, that it is preſerved. The Nobility of France know no other profeſſion than that of arms: Grandees of the realm, and ſimple gentlemen, eldeſt ſons of noble families, and younger brothers, all ſeem to have been devoted from their birth to military ſervice; this is their only element: and hence is it that there are more Nobility in the French armies than in thoſe of any other nation. They have always been the nerve of our troops, and have continually given examples of that intrepid courage that braves every danger. If we go back to the earlieſt times, by whom were wrought thoſe prodigies of valour which have rendered the French name illuſtrious, but by our adventurous and valiant knights? If we return to

more modern days, how often have our *noble* ſquadrons, when they accompanied our Kings to the field, been ſeen to precipitate themſelves into the midſt of the battalions of the enemy, when they appeared impenetrable, break through them ſword in hand, and overpower their courage by courage more than human? In the moſt perilous ſituations of the State, what a powerful reſource has been found in the convocation of the *arrière-ban?* With what a well-founded confidence did Louis XIV, in the moſt diſaſtrous period of his reign, and when the fate of the kingdom appeared to depend on the event of a ſingle battle, reply to thoſe who aſked him what would have become of France, had the day been loſt at Denain! "I would "have put myſelf," ſaid he, "at the head of my "Nobility, and, ſurrounded by them, would not "have feared to have oppoſed the victorious "enemy." The conditions of the peace which ſoon after terminated the misfortunes of France, ſufficiently ſhew how formidable the Monarch is who can have recourſe to ſuch an army. But let us ſuppoſe it diſbanded, and let one of thoſe critical moments again arrive to which the greateſt empires are expoſed; what words can we ſubſtitute for thoſe which had ſuch effect when uttered by Louis XIV? Shall the King ſay, "I will put "myſelf at the head of my citizens and tradeſmen, "lately armed, and with them attack the well-"diſciplined and veteran troops that have pene-"trated into the heart of my kingdom?" I leave any

any one to judge whether ſuch a ſpeech would be equally ſtriking with that with which I have compared it. For though I entertain the higheſt opinion of the warlike courage of all the French, and eſpecially of that of the Bourbons, I cannot believe that the preſent time, when the army is in a ſtate of diſſolution from neglect of diſcipline, when the public treaſury is exhauſted by the moſt vicious adminiſtration, when Nobility is aboliſhed by a conſtitutional decree, when the whole force of the Executive Power is enervated by anarchy—I cannot believe, I ſay, that, at ſuch a time, we are authoriſed to aſſume the ſtyle of Louis XIV, and ſtill leſs that language of bravado and menace in which one of the great politicians of the Aſſembly has adviſed the Nation to addreſs Great Britain *.

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* M. Dupont, in a pamphlet entitled, *Conſiderations on the political Situations of France, Great Britain, and Spain, at the preſent Criſis*, which appeared under his name, and has been tranſlated into Engliſh, gave it as his opinion, that the Court of France ſhould require that of London to diſarm immediately, and that it ſhould declare to England, that, if ſhe refuſed, on this demand, to ſecure to us and our allies a ſolid and laſting peace, the French nation *had ſworn, on its honour, to go and ſeek it at London, where it was certain to find it.* The anſwer, adds he, muſt be ſpeedy; *for if England does not begin to diſarm in a week, hoſtilities ſhould commence in a month.* Such, Frenchmen, is the language of thoſe who, to prevent your Kings from engaging you in wars which might be avoided, have arrogated to themſelves the right of determining when

 war

It is not only with reſpect to her military conſtitution, that France muſt be enfeebled by the abolition of Nobility; ſhe would alſo loſe what may be called her moral reſources; that is to ſay, thoſe which are derived from Honour, that firſt motive principle in monarchies, which is, as Monteſquieu has well demonſtrated, the principle of their government, the preſervative of their power, and the moſt active ſpring of all the parts of their organiſation. Honour, beyond a doubt, will never ceaſe to reign in the hearts of Frenchmen; but it is not therefore leſs true that it acts moſt ſenſibly on the Nobility, and through them re-acts with the greateſt utility to the State. All perſons of generous minds, of whatever condition they may be, doubtleſs feel its influence; but its motive force is exerted on the Nobles with a greater intenſity, becauſe it acts on them in the compound ratio of the obligations impoſed on them by their birth, the examples of their anceſtors, the maxims inſtilled into them in their education, and an infinity of happy prejudices that trace around them a circle of duties beyond which they

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war is neceſſary! Thus are you adviſed to addreſs a people as haughty as yourſelves, and more generous towards you, in your preſent circumſtances, than you were towards them at the time of their diſpute with America; ſince, far from taking an inſidious advantage of the unhappy ſituation in which you are, they have conſtantly preſerved, and teſtify towards you, at the preſent moment, the moſt pacific diſpoſitions!

they cannot paſs, without being ſtigmatiſed with infamy, and excluded from the ſociety of their Order. Ingenuouſneſs, fidelity to their word, the love of glory, and the contempt of danger, are the appropriate character of Nobility; and ſo much ſo, that a Noble who ſhould not poſſeſs theſe qualities by the interior ſentiment of virtue, would be compelled by his rank to exerciſe them externally. It is eaſy to perceive how advantageous it muſt be to a kingdom to preſerve in it the principle of ſo beneficial an opinion.

Nobility is alſo, in the moral ſenſe, an œconomical reſource. " It is the only recompenſe " for ſervices rendered to the State which is not " burdenſome; the only one which can main- " tain emulation among a great people, with- " out degrading and corrupting them: it is, in " a generous Nation, the moſt powerful and " moſt certain motive to great actions and great " ſacrifices." I extract theſe words from the energetic proteſtations which the Deputies of the Nobility, from all parts of the kingdom, have authentically made againſt the decree for the aboliſhment of their Order. Theſe proteſtations, conſigned to ſeveral public depoſitaries, are ſo many monuments of the feelings and determinations of the Nobles, and are ſuch as might be expected from a Body of which Honour is the ſole element, and which prefers Honour to life. It is impoſſible to read without emotion, and perhaps our dema-

gogues themſelves have not read without a kind of ſhuddering, the preſage of what is to come, the language, equally affecting and firm, which pourtrays the grief, and announces the reſolution, of that Nobility whoſe anceſtors founded the French Empire.

They cite the expreſs words of the King, who, in the ſitting of the 4th of February, when the civic oath was adminiſtered, recommended to the Aſſembly to remember, "that whatever reminds "a Nation of the antiquity and continuity of the "ſervices of an honoured race, is a diſtinction "which nothing can deſtroy; and that all ranks "of ſociety are intereſted in preſerving the reſpect "due to tranſmiſſible titles, which are the nobleſt "inheritances that fathers can bequeath to their "children."

They repreſent, "that, if hereditary Nobility "were not a property beyond the reach of any "power, its abolition would be, with reſpect to "its poſſeſſors, a degradation which, without a "total change in our manners and ideas, ought "only to be inflicted as a puniſhment for the "greateſt crimes."

They remonſtrate, "that, as they always have "been, and ſtill are ready to ſhed their blood for "the ſervice of their country, and as they have "freely ſacrificed for its good all their pecuniary "advantages,

" advantages, and breathe only for its defence, they " never could have expected that any attempt " would have been made to deprive them of a " diſtinction which their anceſtors had acquired " at the expence of their lives and fortunes, and " which appertains to their deſcendants by an " indefeaſible tranſmiſſion; no power on earth " being able to prevent the ſon of a gentleman " from being born a gentleman."

They unanimouſly proteſt, " that they will de- " fend with all their power their political exiſt- " ence, as connected with the deſtiny of the " State, as dear and precious to men who repre- " ſent the conquerors of the Gauls, and as neceſ- " ſary to the liberty of the French people, who " would quickly ceaſe to be free, ſhould they " loſe their true ſupporters, their true friends."

They declare in conſequence, " that, as it was " with the ſword that their titles were acquired, " with the ſword will they maintain them, againſt " the enemies of the Monarchy; it being demon- " ſtrable that there can be no Monarchy without " Nobility." *

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* What I have here cited is taken from the Proteſtations made,

In the name of the Nobility of the Seneſchalty of Chatellerault, by the Count d'Eſcars;

In the name of the Nobility of the Seneſchalty of Auch, by the Baron de Luppé;

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It is this latter propoſition, until the preſent times conſidered as indubitable, that it is now neceſſary to

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In the name of the Nobility of the Vicomté of Paris, by the Duke de Caſtries, the Bailli de Cruſſol, M. d'Eſpremenil, and M. d'Ormeſſon ;

In the name of the Nobility of Poitou, by Meſſieurs de Cruſſol, d'Amboiſe, de Lamberti, de la Chartre, &c.

In the name of the Nobility of Bugei, by the Marquis de Clermont Mont St. Jean ;

In the name of the Nobility of Angoumois, by the Count de Culan, and the Marquis de St. Simon ;

In the name of the Nobility of the Seneſchalty of Caſtelnaudary, by the Marquis de Vaudreuil ;

In the name of the Nobility of Auvergne, by the Marquis de la Queuille ;

In the name of the Nobility of Lorraine, by the Counts de Ludre, de Touſtain, &c.

In the name of the Nobility of the Bailiwick of Dijon, by the Count de Levis ;

In the name of the Nobility of the Bailiwick of Autun, by the Marquis de Digoine ;

In the name of the Nobility of Alſace, by the Baron de Landerberg ;

In the name of the Nobility of Haynaut, by the Baron de Nédonchel ;

In the name of the Nobility of the Bailiwicks of Provins and Montreau, by the Marquis de Parois ;

In the name of the Nobility of Cotentin, by the Baron de Juigné ;

In the name of the Nobility of the Vicomté of Couſſerans, by the Count de Pannetier, &c.

I might cite twenty other Proteſtations in the ſame ſpirit, and conceived nearly in the ſame terms.

to demonſtrate; ſince ſome affect to deny its truth, though in their hearts they are well convinced that the abolition of Nobility was the laſt ſtep which remained for them to take, to arrive at the complete annihilation of the monarchical government.

I ſhall not repeat what I have ſaid, after Monteſquieu, on the neceſſity of intermedial powers in every monarchical government, and on the political axiom that there is no more natural intermediate power between the King and the People than that of the Nobility. But to render this truth more manifeſt, I ſhall explain how and in what ſenſe the Nobility fulfill this function of an intermediate power, which conſtitutes the very eſſence of the monarchical government.

Monteſquieu ſeems only to have attended to the utility of this Body ſo far as it might moderate the royal authority, and check arbitrary power; he conſidered Monarchy in its plenitude, and the power of making laws, united, in the hand of a ſingle perſon, to the power of cauſing them to be executed. The idea of a Body repreſentative of the people, and exerciſing, in their name, the legiſlative power, never entered into his theory; it is not therefore ſurpriſing that he ſhould not advert to the neceſſity of providing againſt its uſurpations; and that, after having ſaid, that the fundamental maxim of Monarchy is, *No Monarch,*

narch, no Nobility; no Nobility, no Monarch—he has added only, *But we have a Deſpot*; inſtead of ſaying, *But we have either a Deſpot, or an Aſſembly of popular Tyrants.*

It is to protect the State equally from either of theſe extremes, that Nobility are neceſſary in a monarchy; and this Monteſquieu would not have failed to have obſerved, had he lived in our days, or could he have foreſeen what, in his time, no one could have imagined. Accuſtomed to diſcover effects in their cauſes, that great man would have begun to preſage what we experience, the moment he had ſeen a republican Miniſter give the Third Eſtate a decided preponderance in the Aſſembly of the three Orders, both from the effect of double repreſentation, and the faults in the regulations reſpecting the convocation, eſpecially with regard to the repreſentatives of the Clergy. Monteſquieu would, from that time, have perceived, and pointed out, the conſequences to which the State muſt be expoſed; and if the advice of that perfidious and ambitious man who has led the people captive, that he might rule over the kingdom, and who has ruined every thing both with reſpect to the kingdom and himſelf, had prevailed over his opinion, he would have exclaimed: *Preſerve, at leaſt, your Nobility, as the only counterpoiſe againſt democratic innovations, as the only barrier which can check the uſurpations of an Aſſembly tending, by its organiſation, to encroach on every power.*

If,

If, in fine, after having ſeen all the Orders ſuppreſſed, and all ranks confounded, he had alſo witneſſed the blind effervescence which has occaſioned the decree for the abolition of the French Nobility, he muſt have lamented the fate of his unhappy country, ſubjected to that degradation of the democratic government which the ancients called *Ochlocracy*, and which Cicero condemns, in his Tuſculan Diſputations, when he cites, as an example of the utmoſt depravity of popular government, the decree of the Epheſians, when they baniſhed Hermodorus: *Let no perſon among us be above the reſt; but if any ſuch be found, let him depart, and inhabit ſome other country.* Heraclitus the philoſopher declared that all who had aſſented to this decree deſerved to be puniſhed with death*.

Much leſs ſevere than Heraclitus, we only condemn to repentance thoſe who, ſeduced by chimeras of equality, the conſequences of which have been concealed from them, have not perceived that the vain efforts made to deſtroy the Nobility were only blows aimed at the Monarchy; that to ſuppreſs all ranks and all diſtinctions in the State, is to disjoin the pyramidal ſcale of ſubordination, and

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* *Univerſos, ait, Epheſios eſſe morte mulctandos, quod cum civitate expellerent Hermodorum, ita locuti ſunt:* Nemo de nobis unus excellat; ſin quis extiterit, alio in loco & apud alios ſit.—Cic. *Tuſcul. Quæſt. lib.* 5, *cap.* 36.

and to break the links of the chain which unites the Monarch to his ſubjects, and the ſubjects to their Monarch; that it is to render the Legiſlative Body abſolute, the Executive Power null, and anarchy inevitable; that it is even to ſacrifice both the people and liberty, ſince it is demonſtrated, by the hiſtory of all nations, that the diſorders of Ochlocracy conſtantly lead to the exceſſes of Deſpotiſm.

Is there a more natural or more efficacious preſervative againſt theſe two oppoſite evils than the Nobility? Is not that Body intereſted, in the moſt eſſential manner, to ward off each; and does it not poſſeſs the moſt powerful means to counteract them? It has every thing to loſe, if the Monarch be deprived of ſtrength and ſupport; and loſes every thing, if he becomes a deſpot. Its ſafety conſiſts in the equilibrium of the different powers. By the elevation of its rank, and the importance of its poſſeſſions, it is more cloſely connected than any other claſs of citizens with the conſtitution of a limited government; and it is alſo, by its rank and its poſſeſſions, better enabled to defend and maintain this ſame conſtitution.

For this reaſon, the abolition of Nobility has always been a favourite project with demagogues, and alſo with deſpots. The Tribunes of the Roman people were continually aiming to degrade the Patricians; the Emperors levelled them with the

the Plebeians. The popular uſurper Marius proſcribed the Nobles in Rome: the tyrant Caligula deſpoiled and perſecuted them in Gaul. The pure democracies, ſuch as that of St. Marino, and ſome Cantons of Switzerland,* exclude Nobility; the great countries of ſlavery, ſuch as Turkey, are unacquainted with it. If we examine the annals of all Nations, we ſhall find the Nobility equally an object of attack from the enemies of authority, and the enemies of liberty. We ſhall alſo find it maintained, cheriſhed, and reſpected, by the wiſeſt Nations, and in the beſt-conſtituted monarchies. Among the number of theſe we are certainly to place England, where the Peers are conſidered as the bulwark of the Conſtitution; where the people, who have not forgotten how much the Nobility have

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* It is an error to ſay, as ſome writers have ſaid, that there is no Nobility in Switzerland. This is only true with regard to the ſmaller Cantons of that Republic, as thoſe of Appenzel, Underwaald, Glaris, Zug, Uri, and Switz; but certainly we cannot ſay there are no Nobility in the Canton of Berne, in which that Order is very diſtinct from the common people; nor can we ſay it of the Canton of Friburg, where the government is lodged in the hands of forty noble families; nor of that of Soleure, where the Patricians are in poſſeſſion of all public employments; nor of that of Zurich, where one of the thirteen tribes is compoſed entirely of Nobles, who do not engage in trade; nor of that of Schaffhauſen, where there is alſo a tribe of Nobles.

In general, we may affirm that Nobility is found in every country, and that it has exiſted among all civilized nations.

have contributed to the re-eſtabliſhment of their liberty, are more affectionately united to them than in any other country in the world; where, in fine, the highly honourable diſtinction of Peers of the realm, conciliating itſelf by a ſpecies of continual transfuſion of kindred in the boſom of the Commons, proves that, in a well-ordered government, the maintenance of ranks is perfectly conſiſtent with the intereſt of the generality of the inhabitants, and that from their concord reſults the public harmony.

I ſhall conclude this article by an authority which cannot be ſuſpected by our philoſophers, I mean that of the Encyclopédie. It is there ſaid: "Every Monarchy in which there is no Nobility, is "an unmixed tyranny.... The Body of the No- "bility tempers the Sovereignty, and, by its own "ſplendor, accuſtoms the eyes of the people to "behold and ſuſtain the blaze of Royalty, with- "out being diſmayed at it.—The Nobility ought "not to poſſeſs too much power; yet ſhould they "preſerve a grandeur which may excite eſteem, "and, by repreſſing popular inſolence, prevent it "from attacking the majeſty of the Throne."

The abolition of Nobility, therefore, is equally impolitic and oppreſſive; equally incompatible with the conſtitution of France, and injurious to the rights of property; equally dangerous to public tranquillity, and impoſſible to be effected.

Beſides,

Beſides, not even the leaſt ſhadow of a pretext can be alledged for the decree by which it is aboliſhed, ſince, on the one hand, the inconvenience of the pecuniary exemptions which the Nobility had enjoyed no longer exiſted; and, on the other, every perſon entertained the ſame opinion with reſpect to the reformation, dictated by the Inſtructions, of all the abuſes relative to the means of acquiring Nobility, or to the cauſes by which it might be loſt. The injuſtice committed is, therefore, the more condemnable, as it is entirely deſtitute of the plea of intereſt.

I have ſaid that the violation of property extended alſo to the Magiſtracy; under which term I meant to include all perſons poſſeſſing offices of judicature, or other employments relative to the adminiſtration of juſtice. What I have to obſerve on this ſubject may, perhaps, be thought premature, becauſe as yet nothing is determined with reſpect to the indemnification to be made to thoſe who filled the ſuppreſſed offices; but they have already ſuſtained a very real injury, by having been deprived, for a year paſt, of all advantage from their offices, and being diſabled from either ſelling or enjoying them, without knowing at what rate they ſhall be reimburſed for their loſs. In the month of Auguſt 1789, the Aſſembly decreed "that the venality of the offices of judica-" ture was ſuppreſſed from that moment; and " that juſtice ſhould be adminiſtered *gratis*." It

is true that it was added: " but nevertheleſs the " perſons in poſſeſſion of theſe offices ſhall conti- " nue to exerciſe their functions, and receive the " emoluments annexed to them, until the Aſ- " ſembly ſhall have provided the means for their " reimburſement."

Hitherto ſome appearance of equity was preſerved; and though to have acted conſiſtently with the article of the Declaration of the Rights of Man, which enacts that indemnification ſhall *precede* every privation of property, the means of reimburſement ought to have been provided before the proprietors were deprived of the right of ſale,—they were at leaſt left in the enjoyment of the object which was rendered unalienable in their hands. But ſoon after, by a new inconſiſtency, theſe ſame functions, the exerciſe of which, together with the emoluments annexed to them, had been preſerved to the officers of judicature, by the decree of the month of Auguſt 1789, were taken from them by that of the 3d of November following, which has reduced all the Parliaments of the kingdom to a ſtate of indefinite vacation, which ſtill ſubſiſts, and which will only end with their deſtruction, already pronounced by implication.

Since this laſt decree, which ſeemed only to ordain a temporary ſuſpenſion of the ſovereign Courts, " in expectance," as it is ſaid, " of the " near approaching time when the Aſſembly ſhall " give

" give its attention to form a new judiciary or-
" ganization," nine months have elapſed, during which juſtice has been ſuſpended in France, and all the Parliaments in the kingdom, the place of which can be ſupplied but very imperfectly by the Chambers of Vacation, are in a ſtate of inertneſs which deprives the magiſtrates of the fees that conſtitute the principal produce of their offices, which reduces to indigence the numerous agents of juſtice employed in the different Courts, and conſequently renders unproductive an enormous maſs of capitals, which are the whole fortune of the greater part of thoſe to whom they appertain.

This, certainly, is not the greateſt inconvenience reſulting from the inaction to which the Courts of Juſtice are indefinitely reduced; but, at preſent, I am only conſidering it ſo far as it invades property, the injury done to which by theſe decrees is but too ſenſibly felt by all families poſſeſſing any offices of magiſtracy, or any employment dependent on the activity of the Parliaments. They are deprived of their income: they know not when, nor how, they ſhall be reimburſed the capitals they have advanced, whether according to the rate at which they have purchaſed, as juſtice requires, or according to the nominal ſalary, which bears no proportion to the current profits, which ought alone to be conſidered as the real value of offices; and even though they were certain of an equitable liquidation, can they be ſo of

an effective reimburſement, when they have to apply to a Public Treaſury already exhauſted, and reduced to an inability of paying its moſt urgent debts without paper-money?

Was it then allowable to deſpoil many thouſands of citizens of their property, without having conſidered in what manner they might be indemnified for their loſs, or rather when it was certain that no reimburſement could be made to them?

In what a peculiar manner likewiſe is the property thus violated entitled to our reſpect! A property for which the poſſeſſors had prepared themſelves by long and laborious ſtudies, and which they had only acquired that they might obtain a condition of life at once honourable, ſecure, and tranſmiſſible to their deſcendants; one in which they had perhaps grown old, to which they had devoted their whole exiſtence, and by which they had merited well of their fellow-citizens. Let us repreſent to ourſelves, here, a father of a family, who has ſacrificed all the pleaſures of life to an irkſome profeſſion, that he might preſerve to his ſon the hereditary honour which his anceſtors had acquired and tranſmitted to him; there a magiſtrate of ſmall fortune, who, having no other reſources than his talents, nor any other wiſh than to render thoſe talents uſeful to his country, has reſolved to borrow the purchaſe-money of a conſiderable office, and to expend his ſcanty patrimony

mony in entrance-duties and fees which he will never be repaid, and who now finds himſelf deſtitute of all means of ſupport, and reduced to wait, at a very uncertain period, a very precarious reimburſement. Who can appreciate all the different kinds of injuries reſulting from theſe cruel reſolutions, which have been adopted without allowing time for reflexion, or liſtening to the advice of humanity? Gracious Heaven! ſhall the pretence of doing an uncertain good, perpetually hurry men on to the commiſſion of indubitable evil!

The ſame reflexion is applicable to an infinite number of other violations of property, which the decrees of the Aſſembly have cauſed all ranks of citizens to ſuffer. How many perſons have lent their money, and perhaps all they poſſeſſed in the world, ſome to the Clergy as a corporate body, or to ſuch individuals of it as enjoyed ſufficient revenues to enſure to them a punctual repayment; and others, to the lords of landed eſtates, who had given them ſecurity on their quit-rents, or other manorial rights, their property in which could not then poſſibly be ſuſpected; while others have lent, in like manner, to magiſtrates, whoſe office was the privileged pledge of the ſums applied to its acquiſition;—all of whom, by this triple deſpoiling of the Clergy, the great landlords, and the Magiſtrates, are at once deprived of the ſecurity which was guaranteed to them by the law?

Will it be poſſible to perſuade theſe perſons that they are ſufficiently indemnified, by becoming the creditors of the State? Did they mean to lend their property to the State? And can the conditions of a contract be changed, without the conſent of the contracting parties?

The ſame decrees, therefore, which have injured the proprietors of land, have alſo done injury to the proprietors of capitals in money; and this repercuſſion of injuſtice has extended to every condition of life; there is not one which has been ſecure from the ſide-blows of this general commotion. Thoſe who have employed their money in commerce, thoſe whoſe whole property is their induſtry, and thoſe who have no other riches than their talents, and who have expended their whole fortune in the acquiſition of them, have all equal reaſon to complain of the fatal innovations which have occaſioned in every thing a general languor and ſterility.

Every means of ſubſiſtence honeſtly acquired, every enjoyment legally poſſeſſed, every gift beſtowed by the perſon who had a right to give it, is, beyond contradiction, a property; and if our reformers who glory in being ſtern and inflexible, had determined, in the firſt place, to be juſt, they would have acknowledged that a recompenſe granted by the Sovereign for ſervices rendered our country,

country, that appointments on retirement from office, the fruits of a laborious employment to which eaſe, health, and fortune have been ſacrificed, or a penſion merited in the midſt of danger, and purchaſed with blood, are well entitled to be held as ſacred as any other ſpecies of property, or at leaſt as any other debts or demands on the State.

Exceſs and abuſes may, no doubt, be diſcovered in the grants of theſe favours; it is allowed that a ſtricter œconomy in diſpenſing them in future, ſhould have been introduced, and that, in ſome reſpects, it ſhould even have been retroactive. Already, indeed, by the drawback on the penſions, the whole amount of them had been diminiſhed by one fifth; and had new and judicious regulations been added to this, they would have occaſioned no complaints: but to confound all without diſtinction in one general ſuppreſſion—to reduce thoſe who, by having rendered eſſential ſervice to the State, had obtained a competence, to ſolicit ſubſiſtence anew—and to aſſume the unheard-of right of effacing, with one daſh of the pen, all the favours which the Kings of France have diſpenſed for thirty or forty years paſt—is a greater extravagance, a more offenſive abuſe, than any of thoſe which have been reformed; it is at once uſurpation, injuſtice, and inhumanity.

What heart but muſt bleed at the relation given to the Aſſembly, by one of its members *, of an old officer, covered with wounds, who came and ſaid to him: "I have been to the Committee, to "claim the payment of my penſion of ſeven hun- "dred livres, and have repreſented to them that "it was neceſſary to my ſubſiſtence. *Go*, I was "anſwered, *go, and aſk ſupport of your rela-* "*tions!*" The reſpectable officer who made this affecting claim to a penſion of thirty *louis*, for nine wounds, is named Montagnac!—the author of the inſulting anſwer is M. Camus!—How is it poſſible to ſupport the idea that the fate of the defenders of the State ſhould depend on ſuch men!

Yet to this tends the decree of the 16th of July laſt, which ſuppreſſes *all penſions, gratifications, aſſurances of portion and dower, reſerved appointments, recompenſes, and which ordains that a new creation of penſions ſhall be proceeded to, according to the mode which ſhall be ſettled by the Aſſembly.*—Thus the diſpenſation of favours is taken from the Monarch, to be veſted in advocates become Sovereigns!—Thus thoſe who can neither be

* M. de Virieux, who has warmly undertaken the defence of our brave and veteran officers, and ſhewn ſentiments worthy of his birth. He has been ſeconded by Meſſieurs de Wimpfen, de Sinetti, and many other good and reſpectable gentlemen; yet have not their pathetic repreſentations, ſay the journals, been able to move *the inflexible ſacrificer.*

be informed of the value or authenticity of the different ſervices rendered the State, in a ſpace of forty years, by citizens of all ranks and conditions, pretend that it appertains to them alone to fix their rewards!—Thus thouſands of unfortunate perſons who, reſiding with their families in a diſtant province, only ſubſiſt by means of a trifling penſion, are expoſed to loſe it, if, having no other title to it than their misfortunes, thoſe very misfortunes prevent them from making themſelves heard, and recovering what is torn from them!—Thus an Aſſembly continually in a ferment, an Aſſembly torn by inteſtine diviſions, which every day break forth with new ſcandal—an Aſſembly which is univerſally ſeen to be under the influence of the moſt violent ſpirit of party*, wiſhes to have it believed that it alone can diſpenſe rewards with an equity conſtantly calm and unmoved; that it alone can hold the balance, with the bandage of impartiality over its eyes; and that the reſpect to perſons, which appears in all its judgements, will have no influence on its diſtributions!—Thus it was not enough to have wreſted from the King all the means of governing his ſubjects, it was alſo requiſite to deprive him of the ſatisfaction of rewarding their ſervices; and, after having

* A ſtriking example of this has been lately exhibited in what has paſſed with reſpect to the Municipality of Montauban.

having annulled his power, to annull likewiſe his beneficence.

Numerous reflexions crowd upon us with reſpect to each of theſe propoſitions; but, as at preſent I only propoſe to notice the attacks made on property, I ſhall confine myſelf to the proof that we ought to conſider as ſuch the indirect ſuppreſſion which annihilates an infinity of lawful enjoyments, and which ſubſtitutes uncertain hopes for acquired rights.

Can it be denied that there are many juſt and deſerved penſions? I will maintain that they compoſe the greater number; and it would be eaſy for me to prove this aſſertion, without being even obliged to combat the prejudice which endeavours have been made to inſtil againſt thoſe of the financial department; ſince two thirds of the whole liſt of penſions appertain to the military departments, and, in the other third, the one half only has a dependence on that of the finances.*

But

* In April, 1787, when I gave in my account to the Aſſembly of the Notables, the penſions of the War-department amounted to a little above - - - - - - 16,000,000 *liv.*
Thoſe of the Marine, to - - - - - - 2,000,000
Thoſe for Foreign Affairs, to - - - - 600,000
Thoſe of the King's Houſehold, to - - 4,000,000
Thoſe of the Magiſtracy and Finance together, to - - - - - - - - - - - 5,400,000
Total - - 28,000,000

Separating

But if it is indubitable that there are many juſt penſions,—to ſuppreſs them all indiſcriminately, muſt be to commit great injuſtice, even though the Aſſembly ſhould reſerve to itſelf the new creation of them: it is to violate the property of all who hold them, who have a right to retain what has been rightfully given them, and what they had a right to receive. Should even this right be re-eſtabliſhed after it ſhall have been verified; to begin by deſtroying it when it exiſts, in order to re-examine it as if it did not exiſt, is certainly to make a violent attack on property, ſince it is to diſturb it.

If we now conſider the penſions of mere favour, we ſhall certainly find ſome which not only ought to be viewed in a very advantageous light, but which are of ſuch a nature as to have a juſt claim to be conſidered as property. Of this number are thoſe that have been granted under the title of portion or dower, and in general all aſſurances given in favour of marriage. Are not engagements of this nature, entered into by the King when

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Separating from the laſt article the penſions propoſed by the Head of the Magiſtracy, there will remain only four or five millions dependent on the department of Finances. I ſhall ſhew, whatever M. Camus may aſſert, that the whole maſs of penſions, with the additions of which it is ſuſceptible, does not exceed thirty-two millions.

when he ſaw himſelf in poſſeſſion of every requiſite means of fulfilling them, a juſt ground of confidence? And when marriages have been contracted on the faith which was due to them, are ſuch engagements leſs ſacred, leſs irrevocable, than nuptial donations ſtipulated by individuals? All laws eſpecially protect the conditions of marriage, and are more favourable to them than to any other acts, becauſe on them depend the tranquillity of families, the preſervation of morals, and the principal bonds of ſociety. If the Legiſlative Aſſembly itſelf gives the example of violating them, who will ſuppoſe they are bound to reſpect them? and what confuſion and diſorder muſt not this occaſion!

To cover ſo many acts of injuſtice, and even to convert them into a merit with the people, we have been told that the greateſt and moſt flagrant injuſtice is to rob the people of what they have earned by the ſweat of their brow, to laviſh it in unmerited gifts; to impoveriſh the State, to enrich the vermin of the Court; and to load the induſtrious with inſupportable taxes, to furniſh ſupplies to profuſion and extravagance. The King, it is added, had not the right, nor the intention, to do this; the promiſes which corrupt and laviſh Miniſters have obtained by ſurpriſe from his goodneſs are void in themſelves, and pronounced ſo by Neceſſity.

Theſe

Theſe allegations, repeated with vehemence, and heightened by exaggeration, may have produced the double effect at which they aim, that of procuring bleſſings on the Aſſembly, and curſes on the Miniſtry: but, coolly examined, what foundation have they? Let us examine the fact; and ſince the attack on right is vindicated by the abuſes, let us aſcertain what judgement we ought to form of theſe alledged abuſes, before we adopt an opinion concerning the right.

M. Camus, in his report, in the name of the Committee of Penſions, has raiſed the total amount of theſe penſions from thirty millions of livres to fifty-eight, and, ſoon after, from fifty eight to eighty. A ſtrange method of reckoning! But as at preſent it is poſſible to obtain belief of the moſt incredible aſſertions, it is neceſſary to enter into ſome inconteſtable details, to bring to the teſt of truth the miſrepreſentations by which every ſubject is now obſcured and embarraſſed.

The penſions which were made to amount to twenty-eight millions, in the account of M. Necker in 1781, amounted, when I gave in my account, in April 1787, only to - - - 27,000,000*

According

* Page 43 of the Juſtificatory Pieces, printed at London, at the end of my Memoir, publiſhed in January, 1788.

According to the account publiſhed, by order of the King, in March 1788, the penſions, notwithſtanding the gradual extinction eſtabliſhed during my miniſtry, and the drawbacks appointed in October 1787, ſtill amounted, as before, to - - - - - - - - - - - - - - - - 27,000,000 " becauſe," as is there ſaid, " ſeveral ſalaries which " ought not to have been ſeparated from the pen- " ſions, had been included."*

The ſame account had announced that, in 1789, they were found to be decreaſed four hundred and fifty thouſand livres, by the gradual extinction, and that they conſequently only amounted to - - - - - - - - - - - - - 26,550,000 *liv.*

Yet M. Necker, in the ſtatement which he gave in to the National Aſſembly, on the 1ſt of May 1789†, has made them amount to 29,954,000 *liv.*

I know not the reaſon of this increaſe of 3,404,000 livres in a ſingle year. It cannot be ſuppoſed that it is entirely to be referred to the additions made by M. Necker, over and above thoſe effected by his predeceſſor; for, according to the detail given by M. Necker himſelf of theſe additions,

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* Pages 110, 111, of the Account given-in in March 1788.

† Page 132 of the Account given-in the 1ſt of May 1789.

additions *, they only amounted to the ſum of 468,240 livres; there will therefore remain an augmentation of *three millions* which is not accounted for, and which M. Necker ought to explain. Is this an example of the rigid œconomy of which he boaſts?

But however this may be, the ſum at which he has ſtated the amount of all he has compriſed under this article, repreſents the expence as greater than it really is; ſince the drawbacks ordained in 1787, which had taken their whole effect in 1789, ought to be deducted from the amount of the penſions: whereas it has been preferred, I know not why, to ſtate them in receipt, at 4,889,000 livres.† This ſum being ſubtracted, as it ought to be, from the preceding, the expence of penſions, gratifications, &c. will be reduced to - - - - - - - - - - - - 25,065,000 *liv.* and in theſe twenty-five millions are compriſed, beſides the penſions paid by *brevet* on the royal treaſury, thoſe of the Princes of the Blood, the penſions called *ſecret*, the gratifications on the profits of the farmers-general during the term of their leaſe,

* See from page 111 of the ſaid Account to page 119, and the Letter of M. Dufreſne of the 16th of March 1790.

* Page 16 of the above-mentioned Account of the 1ſt of May 1789.

leaſe, thoſe of the other officers of the farms, their widows and children, thoſe of the ſuperannuated performers of the Opera, thoſe taken from the expences for the King's library, thoſe of charity on the royal lottery, thoſe of indemnification on the *caiſſe de meſſageries*, thoſe of encouragement on the *caiſſe du commerce*, and thoſe of reforms in the colonies.

When we conſider in what manner this enumeration is compoſed, and the care that has been taken, in the Accounts of 1788 and 1789, to add to the chapter of penſions even tranſient gratifications, penſions on retirement, indemnifications, reforms, and other objects, which formerly were diſtinguiſhed from penſions for life, we have reaſon to be aſtoniſhed that it can have been pretended that theſe muſt all be included to complete the eſtimate, which in reality is double, or even triple, what it has hitherto been ſtated at in the ſucceſſive Accounts of all the Miniſters of the Finances. It was reſerved for M. Camus to make this diſcovery; and it would be difficult to divine in what manner he had arrived at it, if he had not himſelf revealed to us his ſecret.

It conſiſts in calling by the name of penſions or favours, what is neither one nor the other; in reckoning as an expence, at the charge of the royal treaſury, what in no manner increaſes that expence; in claſſing among the liſt of payments what

what is not paid, and in making an infinity of double ſtatements, by confounding every article.

To demonſtrate that this is the method invented by M. Camus, I ſhall only cite what he has himſelf ſaid. In the third paragraph of his firſt Report on Penſions, he divides into *ſix claſſes* what he is pleaſed to call *the preſent ſtate of pecuniary favours*.

He places *in the firſt claſs* a great number of articles relative to wages and ſalaries paid from the funds for the King's houſehold, or what is now called *the civil liſt*; indemnifications for the dues of offices ſuppreſſed; payments ſtipulated to the wardrobe, for the furniſhing of linen, carriages, &c. allowances which it is uſual to make to the poſt-maſters, for a ſmall part only of the accidental loſſes which they ſuffer; the value of the *jettons* (counters or medals) diſtributed to the aſſemblies of the States of Languedoc and Provence, and which are provided at the expence of theſe provinces; other expences which are, in like manner, defrayed by other provinces; penſions of retirement, paid from *the fourth denier* reſerved from the pay of the officers; ſupplementary appointments, to indemnify thoſe officers who, by the regulation of 1788, have ſuffered a diminution of the income that had been aſſigned them by the ordinance; ſuccours granted to young eccleſiaſtics, and ſalaries for the ſerving of curacies, both paid

by the *Economats**, and taken from the funds of the Clergy. In fine, ſeveral other articles, equally foreign to the expenditure of the royal treaſury, and to the nature of penſions, concur to form the extravagant compoſition of this claſs, the ſum total of which amounts to - - 6,654,260 *liv.*

The ſecond claſs, which is of a ſtill more aſtoniſhing kind, includes, on the one hand, the Commanderies and revenues of the Order of Malta, which are there metamorphoſed by M. Camus into penſions and favours of the King, though they are at the diſpoſal of a foreign Sovereign, the head of the Order to whom theſe appertain;† and, on the

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* Stewardſhips of church-revenues. T.

† The greater part of the property which the Order of Malta poſſeſſes in France, was beſtowed on it, after the deſtruction of the Knights Templars, by a decree of the Council of Vienna; and the Order was put in poſſeſſion of it, in 1312, by *Arrêt* of the Parliament of Paris. The Commanderies are only ſimple adminiſtrations confided to the Knights, by the Order itſelf, which impoſes on them ſuch conditions and duties as it judges proper, and always reſerves to itſelf a portion of the fruits, under the name of *Reſponſions*. The Grand Maſter, Sovereign of the Iſle of Malta, aſſiſted by his Council, diſpoſes of the Benefices and Commanderies which belong to the Order; and whatever may have been the rights poſſeſſed by our Kings with reſpect to them, it is certain that they have formally renounced them, by ſolemn declarations in favour of the Order; and nothing can with leſs propriety be compared to a penſion than a Commandery. The poſſeſſions of the other Orders are alſo moſt reſpectable, and ought to be equally guaranteed by the principle of the inviolability of property.

the other, the revenues of the Orders of St. Lazarus, the Holy Ghoſt, St. Louis, and Military Merit; ſo that the total of this article amounts to - - - - - - - - - - - - 6,095,169 *liv.*

The third claſs conſiſts, 1ſt, of alms granted to neceſſitous perſons who have no other ſubſiſtence; ſuch as, thoſe which the King cauſes annually to be diſtributed from his privy purſe, by the miniſtry of the curates of the different pariſhes; thoſe beſtowed by the Clergy, from their revenues; thoſe which the States of Languedoc have aſſigned on the funds of the provinces.—2dly, In ſuccours granted at all times, and without any limited term, to religious communities, which could not ſubſiſt without them. 3dly, Which is the moſt conſiderable object, in payments due from the King, for the rebuilding of churches, ſince his Majeſty has added to the royal treaſury the produce of certain lotteries, which had been eſtabliſhed for that purpoſe. All theſe, according to M. Camus, ought to be called penſions, and enter into his collection, to the amount of - 5,600,417 *liv.*

We ſhall form, ſay the Committee, *the fourth claſs of pecuniary favours, of perſonal penſions.* That is to ſay, this claſs alone contains the whole of the penſions, for it is impoſſible to conceive any which are not perſonal; and, in fact, this article of perſonal penſions, which in the Report is formed by adding *the penſions by* brevet *on the royal trea-*

ſury to the penſions *payed from the other funds, or which are payed in this department by particular ordinances and without brevets*, contains all which can be called penſions. According to the eſtimate of the Reporter, the ſum of theſe two articles added together will be - - - 33,000,215 *liv.*

But this eſtimate is erroneous from ſeveral cauſes.

1ſt, From not deducting the drawbacks, and thus ſuppoſing that the royal treaſury ſtill pays what it no longer pays: this is an error of about five millions.

2dly, Becauſe, by a perplexed and erroneous mode of ſtatement *, which has eſcaped the attention

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* The perplexity conſiſts in the neglect of M. Camus to obſerve, that the ſtatements of the penſions on the royal treaſury given in to the Committee, the total of which amounts to 29,252,874 livres, including the penſions to the Princes of the Blood of 734,000 livres, the penſions called ſecret, and the 400,000 livres for the indemnification for reforms in the colonies, which makes a difference of about 1200,000 livres, and ſeems, though wrongfully, to reproach M. Necker with error, who has rightly reckoned only at 28,036,520 livres, the amount of the chapter which he has entitled, *Penſions by brevet from which are deducted the tenths formerly impoſed*; not having included, as in fact he ought not, the penſions not by *brevet*, which

tion of the Committee of Penſions, ſeveral articles are ſtated twice, in the parts which compoſe the total; as, for example, the penſions of the Princes of the Blood, eſtimated at ſeven hundred and thirty-four thouſand livres, in the ſtatement of Note VI, though they had been already included in that of Note V; and as the total amount of the fourth claſs is formed by the addition of theſe two ſtatements, it follows that this article has been twice reckoned.

3dly, Becauſe the method of doubling articles, by miſplacing them, a method uſual with all jugglers and framers of deceitful accounts, who employ it, like an illuſive glaſs, to multiply at pleaſure the aſpects of the ſame thing, is alſo to be found in a great number of articles of the *Statement of Penſions on other Funds than the Royal Treaſury*, in which are inſerted penſions or ſalaries before included in the ſtatements of the houſehold of the King, the Queen, and the Princes; and in thoſe of the departments of the Marine, and Foreign

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which I have juſt mentioned; but having compriſed them in his total of 29,954,000 livres, as he has alſo the ſeven articles which, in the ſtatement N° VI, follow the penſions of the Princes of the Blood. Had this confuſion of the two ſtatements been avoided, every thing would have agreed; the total of M. Necker would have been found juſt; and the ſame article would not have been reckoned twice.

affairs, and thoſe of the War-department.* The funds of theſe different departments being regulated by the Aſſembly, and having ſuffered the reductions which have been thought proper, the articles relative to them ought not again to appear in ſtatements of new œconomical ſavings preſented to the public. If they make a part of the expences that have been retained, they are no longer ſubject to examination; and if they are among the number of the expences that have been retrenched, the Committee of Penſions ought no longer to number them among the reforms it propoſes; and at any rate it acts illuſively in ſwelling its ſtatements with them, in order afterward to conclude that it has made a reduction of forty, or even ſeventy millions, on an object which does not allow of more than eleven or twelve.

4thly,

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* The two firſt articles of this ſtatement appertain to that of the King's houſehold; the ſeven following to that of the houſehold of the Queen; the tenth makes a part of the expence of the Marine. We afterwards find the continued ſalaries and penſions on retirement from the ſervice of the children of the Count d'Artois, which are taken from the funds aſſigned for the houſehold of that Prince; then follows an arrearage comprehended in the funds of the department for Foreign Affairs; and the laſt articles depend on the War department.

The ſame remark is alſo more particularly applicable to the articles of the firſt claſs, of which I have already ſpoken, and which are all taken from ſome of the accounts of departments, and ſtatements of expence already conſidered.

4thly, and laſtly, Becauſe, in this ſame ſtatement, twenty other articles have been reckoned as an expence to the public treaſury which are not at its charge, but of which ſome are appointments paid from the profits of journals and gazettes, others eccleſiaſtical penſions, and others penſions to ſuperannuated officers, on their retirement from their employments, and payable either from the emoluments of their ſucceſſors, or from the funds of the States of Languedoc.

The fifth claſs of pecuniary favours is that of the governments of provinces, cities, and caſtles. I ſhall not examine whether it is better to ſuppreſs theſe honourable places than to render them uſeful to the State, by cauſing the habitual exerciſe of their functions to be revived, and confiding them to ſuch military officers as are moſt diſtinguiſhed for their rank, their ſervices, and their abilities; nor ſhall I ſtay to conſider how far it may be important that the Monarch of a great empire ſhould have at his diſpoſal conſiderable favours, adapted to excite emulation, and augment the attachment of perſons of the higheſt rank; but I ſhall again confine myſelf to obſerving that what is included in the ſtatement of the war-expences, and conſequently in the reductions made, or to be made, in thoſe expences, ought not to be brought forward again under another denomination as if it were another kind of expence, another object of œco-

nomy. The produce of the governments amounts to the ſum of - - - - - - 2,562,393 *liv.* but it is not entirely at the charge of the royal treaſury, as it is in part derived from local emoluments.

The ſixth claſs conſiſts of encouragements for commerce and the arts, known under the name of *primes*. The amount of theſe has been eſtimated at - - - - - - - - - - - 3,990,330 *liv.* The greateſt part of this ſum is applied to maritime commerce, and has for its object, either the encouragement of the navigation of the northern ſeas and the whale fiſhery, or to render the treatment of the negroes milder, and augment the cultivation of our colonies, by promoting the means of ſupplying them with the ſubſiſtence they may want, and giving new vigour to the exportation of the merchandize with which they abound. That theſe regulations, and all thoſe which tend to increaſe the reſources of the induſtry of the kingdom, ſhould be involved in that general proſcription in which what is uſeful and what is prejudicial are confounded, can no longer excite our ſurpriſe; but we certainly could never have expected to have ſeen them conſidered as penſions.

Laſtly, *the ſeventh claſs* is formed of extraordinary and temporary gratifications, only aſſigned once. They are in a great meaſure relative

tive to foreign affairs. In order to compare them with penſions for life, the expedient of a mean year has been adopted; and their annual amount has thus been eſtimated at - - 932,082 *liv.*

After having added into one ſum theſe ſeven claſſes of pecuniary favours, compoſed as we have juſt ſeen, the Reporter of the Committee of Penſions concludes in theſe words: " Thus have we " already a total maſs of 58,836,721 livres, which " is annually given away in the kingdom." But he does not ſtop here; he declares that there is yet much more to be added, " for articles, ſome " of which cannot be eſtimated with preciſion, " while the value of others cannot at preſent be " aſcertained, but which, nevertheleſs, whether " ſeparate or added to others, amount to a con- " ſiderable ſum."

Without the explanation which follows theſe words, it would be difficult to diſcover their meaning, or to conceive what can be underſtood by a conſiderable number of indeterminate articles of a value unknown and unaſſignable at preſent, when the queſtion only is to examine what may be retrenched from the effective expences of the public treaſury. M. Camus informs us that the reaſon why the total of the penſions and pecuniary favours ſhould be eſtimated at a much greater ſum than 58,836,000 livres, is becauſe, according to him, we ought to add to it,

1ſt,

1ſt, The revenues of the abbeys and priories given *in commendam*, and all the penſions on benefices.

2dly, The twenty thouſand livres annually paid by the Jews of Metz to the Houſe of Brancas, by virtue of a conceſſion dated in 1715, which has been renewed.

3dly, The fines due on vacant offices, which were obtained *gratis*, " and which, by means of " an accountant ordinance," *(ordonnance de comptant)* ſays M. Camus, " were paid with a ſlip of " paper, inſtead of depoſiting in the public trea- " ſury the ſums for which the office had been " created."—On which charge I cannot avoid obſerving that this vague and general accuſation, which repreſents as a uſual cuſtom proper to be noticed in a liſt of annual favours what can only be ſupported by a ſingle example, which at the ſame time is ill choſen, and diſtorted in the application*, can only enter into the account of calumnies, which is more than equal to that of truths.

4thly,

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* The true ſtatement of this caſe is as follows: There had been, before my adminiſtration, ſeveral creations of places of peruke-makers, door-keepers *(huiſſiers)*, and others ſimilar, the fines for the greater part of which were levied, and duly paid into the *caiſſe des parties caſuelles*. Some of them remained unſold, becauſe no more purchaſers offered. They were,

4thly, The remittance of the drawbacks on the penſions, and the changes of dates very reprehenſibly employed to elude the payment of this part of the revenue. I defy any one to produce, during my adminiſtration, a ſingle inſtance of the kind.* The deciſion in favour of M. Coſter, and

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were, if I may ſo ſpeak, the refuſe of the market. The price at which they were originally fixed could no longer be obtained. It was propoſed to me to cauſe them to be ſold, at a lower price, to thoſe who would not otherwiſe have purchaſed them, and who paid for them in ready money, at this reduced rate. Afterward, to cover the difference in the ſtatement of the accounts, I took out, as was uſual, *an ordinance* called *accountant*, but which ſhould, in reality, be called a fictitious and merely formal ordinance. It is this ſmall gain recovered for the public treaſury, that the blackening pencil of M. Camus has diſtorted into an abuſive and annual prodigality. *Ab uno diſce omnes.*

* I do not conſider as a ſimilar caſe, the inſtance which M. Camus has produced, ſoon after, of the indemnity granted to Madame de Polignac, as Gouvernante of the Royal Children, *for the tenth of the ſum paid her, due as a drawback*; which ſum was only liable to ſuch a drawback, becauſe but one article was made of all that was relative to the functions of the Gouvernante. This ſum, beſides, was only a hundred louis *per annum*; and it is affectation to rank ſuch a caſe among the number of *examples of the moſt flagrant abuſes*. The ſums are ſtated, when they are conſiderable; and the reaſons mentioned, when advantage may be taken of them; but neither are given, when they would overthrow the conſequence it is wiſhed to draw from them.

On this occaſion, I cannot avoid remarking another affectation

and the poſt-dates for M. Fourcroi and M. Coinder, which are mentioned in the Report, are, the one

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tation of the ſame kind, and relative to the ſame perſon. It is not neceſſary that I ſhould point out the officious care that has been taken to collect, in one ſingle chapter, all the favours and gifts that, during a ſpace of eighteen years, have been granted or adjudged, on any account whatever, to ten different perſons, of two branches of the family of Polignac, in order to compoſe, and preſent to the indignation of the public, a ſum of four hundred and thirty-ſeven thouſand livres, under the name of penſions, and another ſum of two millions and a half of pretended gratifications. I ſhall not examine whether, in publiſhing this liſt, and not publiſhing any other of the ſame kind, the Committee has reaſon to boaſt its impartiality; or whether it is a proof that *its examples are taken at random—and that the perſons are abſolutely indifferent to it.* But I avow they are by no means indifferent to me, and glory in this the more boldly, as they have not obtained any favour in my time, or through my means; and I demand, in their name, and as having the honour to be among the number of their friends, why, in a column entitled *Penſions*, and which ought only to contain favours paid from the public funds, the Committee has ſuffered to be inſerted an eccleſiaſtical penſion, of three thouſand livres, granted in 1777, on the Abbey of St. Germain des Près, to the ſon of the Viſcount de Polignac? Why it has, in like manner, ſuffered to be inſerted the revenue of the Biſhopric of Meaux, worth twenty-five thouſand livres, but which does not coſt the public treaſury a ſingle farthing? Why we alſo find in it thirty thouſand livres, the value of the Abbey de St. Epyre, granted in 1782 to the ſame prelate? Why, likewiſe, the name of penſions is given to the perpetual rents conſtituted in 1785 and 1787, in favour of the Counteſs d'Aſpect, in exchange for the ceſſion required of her of an eſtate,

one of the 26th of November 1788, and the other of the 17th of January of the preſent year 1790; and it remains with M. Necker to juſtify them: but becauſe two or three tricks of this nature have been played within the laſt eighteen months, is that any reaſon they ſhould be conſidered as a ſource of conſtant expence?

5thly, The compoſitions for the twentieths granted to the Princes of the Blood, might with more reaſon be conſidered as gifts, ſince they in fact amounted to them by their extreme diſproportion; and I ſhould certainly be to blame to deny this, ſince I firſt remonſtrated againſt the abuſe of theſe compoſitions, and in general againſt all pecuniary privileges: but ſince the Princes and

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eſtate, originally granted to the Sieur de Boulonmorange, of which the real produce exceeded the amount of thoſe rents? Why alſo ſhould the expectation of a dower, probably very diſtant, and which perhaps may never exiſt, be confounded with favours actually enjoyed? Theſe articles, amounting together to a hundred and thirty thouſand livres, ought certainly to be retrenched from a ſtatement in which the public, conſidering merely the title and the total, imagines it is only preſented with the penſions granted on the public funds to the family of the Polignacs. We do not meet with more accuracy in the column of ſums given, among which are found the reimburſement for the rights and dues of the fief of Puiſpaulin, which had been demanded by the city of Bourdeaux, and which the Council had ſettled at eight hundred thouſand livres. It is true it is mentioned as a reimburſement; but why ſhould that be enumerated among favours, which is not a favour?

and Peers have given an example to all the Nobility, which they have readily followed, by renouncing all favours and exemptions relative to taxes, and an equality in the diſtribution of the impoſts has been agreed to, decreed, and even effected, ought M. Camus to imitate the knight-errant who fought againſt beings created only by his own imagination? Ought he, in this voluminous report, which appears to have no other aim but to inflame the people, when every endeavour ſhould be made to calm and appeaſe them—ought he, I ſay, to bring to view ancient uſages which, even when they exiſted, could fix no reproach on perſons who at all times enjoyed the privilege of profiting by them, and which, ſince they have been given up by thoſe perſons, ought no longer to be mentioned but to excite the ſentiments of gratitude due to this voluntary reſignation?

6thly, It is alſo merely with a view to multiply the articles, that it is alledged, as a new grievance in the adminiſtration, that when ſuch a ſalary as that of the Chancellor of France is exempted from any tax, the drawback is nevertheleſs made, for the ſake of uniformity in the accounts, and is afterwards covered by an *ordonnance de comptant*. What minute details are had recourſe to, in order to ſwell the liſt, that the exaggeration of the conſequences deduced might be leſs perceived!

7thly,

7thly, It is with the ſame intention that the *brevets de retenue* are claſſed among the favours which exhauſt the public treaſury, though they coſt the State nothing, and are entirely at the expence of the individuals who purchaſe the offices to which they are annexed.

To the objects thus claſſed, are added, confuſedly, and as it were to cloſe the proceſſion, a collection of details, anecdotes, and ſuppoſitions, which are adduced in great numbers as *ſtriking examples* of the abuſes which are attacked; as if, among a great multitude, thoſe only had been brought forward which, *from their importance, or their incredible ſingularity, demonſtrate the neceſſity of a reform.* It appears that M. Necker has taken on himſelf the care of ſelecting them, for they are almoſt all choſen from the time when I was Miniſter; and with regard to many of them, his teſtimony is given as a proof. It was from the peruſal of the ſtatements that the Committee, as it has told us, *learned* that among the pecuniary favours *ſome were granted by the King, and others ſolely at the pleaſure of the Miniſter*; it was in his offices that, in anſwer to the queſtion put by the Committee, concerning the authority Miniſters might have in this reſpect, it was ſaid, *there was no other than cuſtom*; and he it was who, when the Committee requeſted to ſee the originals of the deciſions of that kind, down to the year 1780, found it moſt ſimple and convenient only to ſend a ſtatement entitled,

entitled, *Penſions granted in the department of the Finances, under the miniſtry of M. de Calonne*, and only to produce the deciſions relative to that ſtatement.

I do not complain of this diſtinction: M. Necker might have found in his own adminiſtration materials at leaſt equally abundant, and perhaps better ſuited to the views of the Committee; but he, no doubt, rather choſe to give me the honour of being the champion of Government; and I thank him the more for it, as, by this act of generoſity, well worthy of his great ſoul, I have at length obtained the information I wiſhed, and which I had more than once demanded, of the pretended profuſion and waſte with which I was charged, though no inſtance was ever ſpecified. I willingly take up the guantlet, and hope that, from the manner in which I ſhall repell the ſhafts aimed at my adminiſtration, the Aſſembly will be of opinion that, ſhould any new attacks be made on me, I ſhall be equally able to defend myſelf.* But that I may

* The Committee obſerves, at page 87 of the Report, *that it has taken its examples at random, and under different Miniſters, that it may be ſeen that its intention was not to fix blame on one perſon more than on another.* I believe it; and, in fact, there are many of theſe examples that are no panegyrics on M. Necker; but it is not leſs true that, among thoſe with which the Committee has been furniſhed, on the part of the finances, the

I may not too long interrupt the connexion of my propoſitions, and intermingle what is only perſonal to myſelf with inquiries on which the fate of France depends, I ſhall give, in a note at the end of this work, an anſwer to every thing relative to myſelf in the Report of the Committee of Finances. I return to it, at its concluſion, which is conceived in theſe words:

" Thus have we, on the one hand, an enormous " maſs of 58,836,726 livres, which is every year " drawn from the public funds, to be diſtributed " in largeſſes; and, on the other, a multitude of " articles, the amount of which cannot be calcu- " lated, and which, under the name of recom- " penſes and gratifications, ſerve to feed luxury " and cupidity."

But I will maintain, and engage to prove, that it is not true that " fifty-eight millions eight " hundred thouſand livres are every year drawn " from the public funds, to be diſtributed in lar- " geſſes;" and that " the multitude of articles,

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the greater number are aimed againſt me; and that, eſpecially in what relates to the favours which it is pretended have been granted by *the deciſion of the Miniſter only*, the inſtances are carefully ſelected from my adminiſtration, though I have only done, in this reſpect, what I ought, and what has been done by every Miniſter who has preceded or followed me, without excepting one.

" the amount of which cannot be calculated," alledged to augment ſtill more this ſum, is only a multitude of exaggerations, and falſe inductions, intended to feed, under the name of miniſterial abuſes, the prejudice and hatred infuſed into the people againſt the Government.

My demonſtration is contained in the ſelection I ſhall proceed to make, with a juſt evaluation, of thoſe articles which alone conſtitute the real total of the penſions and pecuniary favours annually paid by the public treaſury. Thoſe which I ſhall reject have abſolutely no relation to them.

I take for the firſt baſis of this ſtatement the eſtimate of the penſions as given in the general account of the revenues and fixed expences tranſmitted by M. Necker to the Aſſembly. The ſum of twenty-nine millions nine hundred and fifty-four thouſand livres, to which his recapitulation amounts (page 132 of the Account) gives a clearer ſtatement than the ſubdiviſion with which, as I have ſhewn, M. Camus perplexed himſelf; though in reality there is no difference, if we only retrench the miſtake of twelve hundred livres of which I have ſpoken above. But from this ſum of twenty-nine millions nine hundred and fifty-four thouſand livres muſt be deducted the drawbacks ordained in October 1787, which will reduce the ſum of this firſt head to 24,954,000 *liv.*

In

Brought over 24,954,000

In the ſecond place, I add to this ſum the other penſions which have not been added to it in the ſtatement of M. Necker, and which are found in that given by the Committee under N° 6. But there are ſeveral ſubductions to be made from the amount of this ſtatement, to render it exact. I have obſerved above that it contains ſeveral articles included in the expences of the King's houſehold, and in thoſe of the departments of war, the marine, foreign affairs, and the States of Languedoc: to preſerve however the whole of what is paid from the public funds, I ſhall let all theſe articles remain in the account, only ſubducting thoſe which, being included in the recapitulation of M. Necker, of which I have formed the preceding head, would otherwiſe be twice reckoned; viz. the article of the penſions of the Princes

	Brought over	24,954,000
of the Blood, and the ſeven following articles, making together - - - - - -	1,307,781	
We muſt alſo ſubduct the four articles of penſions retained on the profits of different journals, and which are at the expence of the authors - - - - - -	146,960	
Item, eight articles of eccleſiaſtical penſions, which were neither given by the King, nor paid from the public funds, being aſſigned on the poſſeſſions of the Clergy - - - - - -	558,589	
	2,013,330	
But the ſtatement of the Committee, N° 6, amounts to - - - - - - - - -	3,749,236	
There remains, therefore, deducting - - - - - -	2,013,330	
for the ſum total of this ſecond head - - - - - -	1,736,906	
		1,736,906
		26,690,906

Brought over 26,690,906

3dly, I am of opinion, that we may, in like manner, admit, as acceſſories to the penſions, the ſupplements of ſalaries granted by favour, the ordinary gratifications annexed to places, the recompenſes or preſents divided among the houſehold of the King, and other things of the ſame kind, which are to be numbered among the pecuniary favours, of which the Committee has formed its firſt claſs, detailed in the ſtatement N° 2. I ſhall not obſerve that almoſt the whole of this expence is taken from the funds aſſigned by the Aſſembly for the King's houſehold: but at leaſt it is neceſſary to ſubduct from it the articles which, being only payments of what is juſtly due, cannot be called gifts, favours, or largeſſes; of this kind are the ſums ſtipulated for furniſhing linen, carriages, &c. - - - - - - - - - - - - 26,220

The indemnifications for the ſuppreſſions of legal rights and dues - - - 643,110

669,330

Brought over	26,690,906
Brought over	669,330
The aſſignats on the *Economats* for performing the duty of benefices, and other eccleſiaſtical regulations -	144,700
The ſupplements of appointments granted to officers, as a recompenſe for the loſs they have ſuffered by the new regulations relative to theſe ſame appointments - - - - - -	263,814
The indemnifications to the poſtmaſters - - -	30,000
The part of the ſupplements of ſalaries which ought to be conſidered as an allowance - - - - -	261,446
And the neceſſary expences of the royal lottery, which, to the amount of 900,000 livres at leaſt, muſt	
	1,369,290

Brought over 26,690,906

Brought over	1,369,290	
must enter into the ſum of 1,540,000 livres, reckoned for the pecuniary favours on the produce of this lottery; which certainly will not admit of more than 600,000 livres, that can be applied to objects of this denomination - - - - - - -	900,000	
	2,269,290	
The ſtatement N° 2 amounts to - - - -	6,654,360	
Subducting - - - -	2,269,290	
there will remain for this third head - - - - -	4,384,970	
		4,384,970

Though it cannot be thought reaſonable to claſs extraordinary and temporary gratifications among the number of annual expences with which the public funds are charged; and though it is certainly very irregular

31,075,876

Brought over 31,075,876

gular to chooſe, in order to form a mean year, four years ſeparated from each other by conſiderable intervals, and leap from the year 1775 to 1779, and thence to 1783 and 1784, to conclude that the fourth part of the ſum of the expences of this kind incurred in thoſe years, is a juſt eſtimate of the ordinary expence; and, laſtly, though the gratifications on the department of Foreign Affairs, which make a part of the expence of that department, already regulated, depend on political circumſtances too uncertain to admit of any fixed valuation, by a compariſon of different years, the expences of ſome of which amount to 800,000 livres, of others to 400,000, of others to 100,000, and of the laſt to 95,000 only;—yet, as I ſhall admit into my account every thing that can come under the denomination of pecuniary favours, that I may ſhelter myſelf from the reproach of being too punctilious, I ſhall alſo add to the pretended penſions the ordinary amount of the extraordinary gratifications, without any deduction, that is to ſay,

according

Brought over	31,075,876
according to the ſtatement N° 9 of the Committee - - - - - - -	932,082
TOTAL OF THE PENSIONS, AND ALL OTHER PECUNIARY FAVOURS THAT CAN BE ADDED TO THEM, OF WHATEVER DENOMINATION, AND FROM WHATEVER FUNDS THEY MAY BE TAKEN - - - - - - - -	32,007,958

Such, in ſtrict truth, is the reſult of all the efforts that can be made to carry the total of the largeſſes granted at the expence of the State, to the higheſt amount poſſible; and conſequently, when M. Camus affirms and publiſhes, in the name of the Committee, that theſe ſame largeſſes amount, annually, to 58,836,726 livres, he aſſerts, I will not heſitate to ſay it, 26,828,768 falſities; and when he hence concludes that, ſince the penſions which it will be proper to re-eſtabliſh, need not exceed eighteen millions*, there will be a ſaving of

* M. Camus has varied, at different times, in his œconomical ſtatements: from twelve millions, which he at firſt ſuppoſed ought to be the *maximum* of penſions and gratifications, he roſe to fourteen, afterwards to ſixteen; and more recently, when he was aſked in the Aſſembly what he thought was the amount to which the pecuniary favours ought to be reduced, he contented himſelf with ſaying that *they ought not to exceed eighteen millions.*

of forty millions on this article only, he impoſes on the Aſſembly and the public by about two thirds of that ſum; and he impoſes on them ſtill more, when he adds, that there is, beſides, a multitude of articles of recompenſes and gratifications, the amount of which cannot be calculated, and inſinuates in conſequence that the total of pecuniary favours amounts to not leſs than eighty millions.*

And when, on the contrary, I have ſhewn, from his own ſtatements, admitted with the greateſt latitude, that this total amounts to not more than thirty-two millions; when I am able to defy any perſon whatever to prove it more than that ſum; when I do not fear being contradicted by that ſevere Committee which is in poſſeſſion of all public accounts, ſtatements, and regiſters of the moſt ſecret deciſions; which has ſearched even the celebrated Red Book, the indecent publication of which, preceded by a preface at leaſt inexact, has failed in its purpoſe †;—am I not authoriſed

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* Seſſions of the 16th of July.

† Good has been done, when evil was intended. The Red Book was conſidered by the multitude as the dark and impenetrable gulf in which were ſwallowed up thoſe unknown millions, profuſely laviſhed, to which the ruin of the finances was attributed. This ſecret record, ſo anxiouſly wiſhed, has at length appeared; and it is diſcovered, that in the ſpace of ſixteen

authoriſed energetically to remonſtrate, and thunder out my juſt indignation againſt the audacious impoſtor who, by exaggerating, by forty-nine millions, the ſum of the largeſſes annually drawn from the funds of the State, has been guilty of forty-nine millions of calumnies, each of which is an act of high treaſon both againſt the King and againſt the Nation, becauſe they all tend to render the government of the King odious, and to inflame the people by falſe ſuggeſtions? When I treat him thus, I diſcharge the duty impoſed on me

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ſixteen years, under ten different Miniſters, the expences entered in this book have amounted to two hundred and twenty-eight millions, of which about one hundred and thirty conſiſt of ſubſidies, and other ſecret expences for foreign affairs; twenty are allotted to productive acquiſitions, and above eleven relate to ordinances of mere formality, that coſt nothing, and are only intended for the regulation of the royal treaſury; four are for indemnifications; twenty-eight applied to the liquidation of the debts of the king's brothers, agreeably to a deciſion of the Committee of Finances; and eleven for the perſonal expences of the King and Queen, the greater part of which are relative to acquiſitions, ſuch as that of St. Cloud: ſo that, in ſix articles, which certainly bear not the character of profuſion, or any myſtery of iniquity, the public have found an account of the expenditure of 209 millions out of 228, in ſixteen years. The 19 others compoſe the ſame articles of gifts and penſions which have before been given in the enumeration of pecuniary favours, and are included in the total of 31 millions above ſtated. Thus is the whole ſecret of the Red Book diſcloſed; and ſuch is the foundation for all the clamours it has excited, and ſuch all the diſcovery made by theſe minute reſearches into the moſt ſecret receſſes of the royal cabinet!

me by the title I have preſerved; and ſufficiently ſhew that I fear not that any perſon, by any recriminations whatever, ſhould be able to prove that I have deſerved to be deprived of this title.

I return to my remarks on the violation of property, and conclude, from what I have ſaid on that of the Clergy, on that of the Nobility, on that of the Magiſtracy, and on that of individuals of all ranks and conditions, that no ſpecies of it has remained unviolated; and that, among the poſſeſſors of property in France, there is not a ſingle perſon to whom the Revolution has not occaſioned ſome unjuſt detriment, and who has not a right to demand of the Aſſembly, why, and by what authority, when the Inſtructions of all the provinces of the kingdom had aſſured the Nation that property ſhould be preſerved inviolable, and when it had itſelf declared the ſame by a conſtitutional law, it has yet acted preciſely contrary both to the Inſtructions and its own decree.

4thly, *The Decrees of the Aſſembly are contrary to the National Inſtructions, relative to the Adminiſtration of Juſtice.*

The organiſation of the judiciary arrangement not being yet completely ſettled, I ſhall not enlarge much on the conſequences which muſt reſult from the Revolution with reſpect to the adminiſtration of juſtice; though this important ſubject be more analogous than that of the finances to the condition

tion of life in which I was born, and to which I have dedicated my days. I ſhall conſider only the general principles which have relation to it, and on which the Inſtructions are explicit; the eſtabliſhment of ſovereign courts in all the provinces of the kingdom; the ſuppreſſion of attributions, commiſſions, and tribunals of exception; the inſtitution of juries and juſtices of the peace; the choice and nomination of the judges, the independence of their functions, and their irremovability from their offices.

All the Inſtructions have agreed in recommending "that there ſhould be, in the kingdom, "ſovereign Courts of Juſtice; that their ſuppreſ-"ſion ſhould not take place but in conſequence "of the general wiſh of the Nation; that they "ſhould be maintained in poſſeſſion of their "rights, according as they ſhall be regulated by "the Aſſembly of the States General; and that "they ſhall not be ſuſpended from their functions, "nor ceaſe to exerciſe them, for any cauſe what-"ever." Several of the Inſtructions have expreſsly declared*, and the greater number have demanded,

* Cahiers de la Nobleſſe d'Auxerre, art. 38.
——— de Château-Thierry, page 12 & 13.
——— de Berry, page 13.
Cahiers du Clergé de Vitry-le-François, manuſcript.
——— de Douay, page 6.
Cahiers du Clergé de Mantes & Meulan, page 39.
Cahiers du Tiers Etat de Ponthieu, page 24.
——— de Châlons, page 28.
——— de Pont-à-Mouſſon, page 33.
——— de Troyes, art. 56.

demanded, " that for the convenience of thoſe " who are obliged to have recourſe to the laws, " each province ſhould poſſeſs the advantage of " having within it a ſovereign Court, under the " denomination of a Parliament, or poſſeſſing the " ſame prerogatives with the Parliaments, to take " cogniſance, in the laſt reſort, of all matters civil " and criminal."* And all the Inſtructions, without exception, have ſuppoſed, and taken it for granted, that there would continue to be Parliaments and ſovereign Courts of Juſtice; ſince they all contain a great number of regulations, the object of which is to reform " their uſurpations on " the Legiſlative Power;" ſince they all charge the Aſſembly to aſcertain the limits of their functions, particularly in what concerns " the enregiſ- " tering and depoſiting of the laws;" and ſince they all contain paſſages relative " to the manner " in which it will be proper that theſe ſuperior " tribunals ſhould be compoſed." †

It was therefore reaſonable to expect that the Aſſembly, which only poſſeſſes power ſo far as it acts

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* Cahiers du Tiers Etat de Lyon.
——— de Rennes, art. 125.
——— de Thimerais, p. 27.
Cahiers de la Nobleſſe de Vitry-le-François, manuſcript.
Cahiers du Clergé de Lyon, page 14.

† Rennes, Blois, Château-Thierry, Orléans, Limoges, Péronne, and in general all the Inſtructions, ſuggeſt regulations for the Parliaments.

acts and pronounces according to the wish of the Nation, would like the Nation have reverenced this ancient institution, which has always made a part of the law of our constitution, and of which the roots are entwined with those of the monarchy. It was reasonable to believe that the Assembly, before it abolished *this sovereign Consistory of our Kings**—before it devoted to annihilation this *Court of France*, so celebrated in all countries, that foreign Princes have often submitted their disputes to its decision—before it aimed a mortal blow at all the Bodies of the Magistracy, the utility of which it would be absurd to deny—it was reasonable, I say, to suppose, that the Assembly would first have attentively weighed the services they have rendered, and those which they may yet render to the State; that it would not have lost sight of the right which the Nation has to the continuation of these same services, until it shall have formally renounced them; that it should have remembered that itself owed its existence to the remonstrances of the Parliament of that Court of Peers which has become the object of its animosity; and that at least this great political and moral question should have been acknowledged to have merited mature discussion; that it ought not to have been presupposed, rather than deliberated on; it never having been put to the vote, whether the Parliaments

* Expressions of the ancient Ordinances.

ments ſhould continue to exiſt in France, agreeably to the wiſh of the Inſtructions, or whether the Aſſembly might aſſume to itſelf the power of annihilating them, notwithſtanding this explicit declaration of thoſe Inſtructions. It might well have been hoped that the time being arrived when the only inconvenience of the Parliaments, which conſiſted in the difficulty of ſetting bounds to their pretenſions, and reducing their functions within proper limits, no longer exiſted, the Aſſembly to which it was reſerved to provide an eaſy and efficacious remedy for this inconvenience, would have fulfilled the duty expreſsly recommended to its attention.

But with reſpect to this as well as many other deſirable improvements which the Aſſembly has had it in its power to make, the deſtructive *mania* which has prevailed through all its deliberations, has cruelly diſappointed our hopes: the greater number of its members have ſuffered themſelves to be hurried away by the opinion of the advocates, whoſe Order, naturally republican, has continually endeavoured to render itſelf independent of the higher Magiſtracy, and has abuſed the aſcendancy it has obtained in the Aſſembly, to ſupplant and aboliſh a ſuperiority to which it unwillingly ſubmitted. For theſe reſpectable bodies, whoſe important ſervices might ſo eaſily have been preſerved to the Nation, purified from every abuſe introduced by the interruption of the aſſemblies

of

of the States-General, have been ſubſtituted diminutive tribunals, compoſed of five or ſix Judges of the diſtrict, elected by the people, and renewed every ſix years, without conſidering how much the adminiſtration of juſtice, public ſafety, and even national liberty, are expoſed and injured by ſo wretched a ſubſtitution.

The adminiſtration of juſtice is injured, becauſe, on the one hand, the ſuppreſſion of ſupreme Courts, Judges of Appeal in the laſt reſort, and the ſingular inſtitution of a reciprocity of appeals between tribunals equal in every reſpect, have taken off the reſtraint which held the inferior Judges to their duty; and becauſe, on the other hand, we cannot hope to have able Judges, unleſs we make their office permanent, and ſuch as may merit that they ſhould devote themſelves entirely to it; as it is not to be expected that, to fit themſelves for a place which they are only to occupy for a few years, they will ſtudy with the ſame attention, and make the ſame exertions and ſacrifices, as for an office which is permanent and hereditary.

The public ſafety is endangered, becauſe theſe petty elective tribunals, in which the people only behold Judges dependent on their choice, and who may be continued or depoſed at their pleaſure, cannot inſpire the reſpect and awe neceſſary to prevent crimes and reſtrain dangerous diſorders.

The liberty of the Nation is endangered, becauſe we take from it a part of its ſupports, AND PERHAPS THE MOST SOLID, when we ſuppreſs in France all intermediary bodies, and particularly thoſe which, by their ancient origin, their neceſſary ſervices, and the independence eſſential to their functions, were the moſt ſuſceptible of being rendered conſtitutionally firm and permanent. *

All

* De Lolme, in his excellent work on the Conſtitution of England, ſtates "that Bodies of Judicature are not ſuited to an "effectually limited monarchy;" that "they are uſeleſs, and "would even be contrary to the principles of the Conſtitution, "in a country where the laws have the whole power of the na-"tion on their ſide." But he had in view England, where liberty, firmly eſtabliſhed for a century paſt, by a wiſe combination of the three powers, ſeems to need no other ſupport; which, however, has not prevented Monteſquieu from ſaying, "that "the Engliſh, being deſtitute of the intermediary powers, "have great reaſon to be watchful for the preſervation of their "liberty, ſince, ſhould they loſe it, they would be one of the "moſt enſlaved nations on earth." Beſides (and it is an important remark, to which neither Monteſquieu, nor thoſe who now reaſon on the government of Great Britain, have paid ſufficient attention), it is not true that England has no great Bodies of Judicature. Without mentioning the Courts of Common Pleas, King's Bench, and Equity, there is, to uſe the words of Blackſtone, "a Sovereign Court of Appeal, ſuperior to all "the others, which decides in the laſt reſort on matters of "law and equity." This Court is "the Houſe of Lords, which "CONTINUALLY EXISTS, and is compoſed of Prelates and "Nobles who, formed by education and intereſted by their "property, are bound in conſcience and honour to acquire a "knowledge of the laws." When France ſhall have the ſame conſtitution,

All the Inſtructions unanimouſly declare for *the ſuppreſſion of all Tribunals of Exception whatever, except thoſe of the Judges and Conſuls*; all have for ever proſcribed *Commiſſions in either civil or criminal caſes:* all have declared that the courſe of the ordinary juriſdictions ſhould not be departed from, in any caſe.*

conſtitution, and that conſtitution ſhall have been, in like manner, conſolidated by time, ſhe may diſpenſe with her Parliaments. But in the organiſation of the new judiciary arrangement, that of England has been partially imitated, without any proviſion being made to correct its defects or balance its inconveniences. Thus, for example, it has not been conſidered that, though the way of appeal, or writ of error, brought before the Houſe of Lords, be not ſo eaſy and free from embarraſſment as it ought to be, it nevertheleſs has a comminatory utility, even when it is not effective; and that the mere poſſibility of recourſe being had to it, prevents the abuſe of the judicial functions; and this effect is the greater, ſince the fewer the Judges, the more the cenſure paſſed on their judgements attaches to their perſons. It has alſo not been perceived that the ſuperiority of the Houſe of Peers over all the other Courts of Judicature, at the ſame time that it obliges them to be attentive to their duties, communicates to them its own weight and conſequence, in ſuch a manner that thoſe Courts, if they were deprived of this ſupport, would no longer have the ſtrength neceſſary vigorouſly to maintain the adminiſtration of juſtice. The National Aſſembly in France ſeems not to have been ſenſible of the advantages of this ſuperiority at once vigilant and vivifying.

* Cahiers du Clergé de Vitry-le-François, manuſcript.

——— de Douay, page 7.

Cahiers de la Nobleſſe d'Auxerre, page 48.

——— de Montfort l'Amaury, page 9.

Cahiers du Tiers Etat de Nivernois, article 41.

——— de la Rochelle, article 65.

——— du Limouſin, page 7.

——— du Cotentin, manuſcript.

The liberty of the Nation is endangered, becauſe we take from it a part of its ſupports, AND PERHAPS THE MOST SOLID, when we ſuppreſs in France all intermediary bodies, and particularly thoſe which, by their ancient origin, their neceſſary ſervices, and the independence eſſential to their functions, were the moſt ſuſceptible of being rendered conſtitutionally firm and permanent. *

All

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Cahiers du Tiers Etat de Nivernois, article 41.
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The Aſſembly has at once adopted and contradicted theſe wiſe reſolutions; it has adopted them in its general conſtitutional decrees, and contradicted them in its particular decrees, and by its conduct. If an attribution be an attack on the rules of juſtice, and a contradiction to the general wiſh of the Nation, the more flagrant in proportion as its object is more important, its application more capable of being extended, and its conſequences more menacing to the life and honour of the citizens,—how may that be excuſed which has conferred on the Chatelet the power of judging, in the laſt inſtance, for the whole kingdom, the crimes denominated *treaſon againſt the Nation*, in which are included all crimes of *treaſon againſt the King, and high treaſon?* Is not this attribution, which inveſts a ſingle tribunal, excluſive of every other, with the right of taking cognizance of crimes of a certain kind, and which deprives the perſons accuſed of the right of appeal, and the advantage of a ſecond examination, a manifeſt departure from the ordinary courſe of judicial proceedings? Whatever confidence the officers of the Chatelet may merit, whatever proofs they may have given that their attachment to their duty raiſes them above all influence of fear or reſpect, is it not a dangerous irregularity, which even themſelves lament, to make them commiſſioned Judges? Will it be ſaid that extraordinary circumſtances require it? But are not extraordinary circumſtances alledged in excuſe of all attributions?

The

The abuſe ſubſiſts entire, unleſs it be prohibited in every caſe.

But what is much more alarming, and much more oppoſite to the expreſs ſentiments of the Nation, is the inſtitution of Committees of Reſearch, their fatal multiplication, the power which has been deputed to them, that which they have themſelves aſſumed, and the dreadful uſe they have made of it, with the knowledge and permiſſion of the Aſſembly. That Aſſembly began by polluting its auguſt exiſtence by forming one of theſe odious Committees in its very boſom; and, as a public violation of the laws, committed by the legiſlators themſelves, ſoon produces numerous ſhoots, we have ſeen the city of Paris, after the example of the National Aſſembly, alſo erect a Committee of Reſearch, and all the Municipalities of the kingdom arm themſelves with the ſame abuſe; ſo that the French Nation is threatened with the abominable and accumulated oppreſſion of forty-eight thouſand * inquiſitorial commiſſions, when it had forbidden that a ſingle one ſhould exiſt under any pretext whatever.

* When, at page 260 of this work, I ſtated the number of the Municipalities only at 44,000, I eſtimated them by the number of the communities, properly ſo called, to be found in the kingdom. But ſince it has been declared in the Aſſembly that the number of the Municipalities amounts to 48,000, it is probable that even ſome very ſmall hamlets have been made Municipalities.

Yet is not this all: as a corrupt principle can only engender corruption, theſe inſtruments of ochlocratic deſpotiſm add to the inſult and oppreſſion inflicted on the Nation by their exiſtence, the abuſe they make of it. They were inſtituted only to collect informations, and render an account of them. But how do they collect them? By calumniators and ſpies. And how do they render an account of them? According to the ſpirit of party by which they are actuated. We have ſeen Committees of Reſearch, from one end of the kingdom to the other, cauſe citizens to be arreſted by their authority only, examine by interrogatories, receive depoſitions, and afterwards deduce ſuch concluſions from their inquiry as beſt ſuited their purpoſe; ſometimes divulging the proceeding which ought to have been kept ſecret, and at other times concealing, and even refuſing to communicate them, on the requiſition of the Judges, for whoſe information they were neceſſary. They pretended (and their claim has been admitted) that it belongs to them alone to determine how far the tribunal which is ſovereignly to judge may extend its enquiries; and though they were only appointed inveſtigators of crimes, they erect themſelves into arbiters of juſtice; in ſuch a manner, that on their influence or connivance may at preſent depend the puniſhment or impunity of the greateſt crimes; of thoſe crimes with reſpect to which a good government admits of no protection, nor

any

any claim whatever to inviolability of perſon.* I ſhall be ſufficiently underſtood, without inſtancing in the example which ſtill ſubſiſts at the moment I am writing, and of which we can neither read the particulars, nor foreſee the concluſion, without ſhuddering.

The Aſſembly has followed the general wiſh of the Nation in the inſtitution of Juries in criminal proceedings, and acted wiſely in not too haſtily introducing them in civil proceſſes; their utility in them not being equally certain, in the preſent

* It is with the greateſt impropriety that, in the ſitting of the 7th of Auguſt, as well as on many other occaſions, the example of England has been urged, to ſupport what in England would be held equally contrary to reaſon and the Conſtitution. It has been ſaid that a Member of Parliament, when accuſed of a high crime, or even the crime of high treaſon, is ſheltered from proſecution by his privilege, and cannot be arreſted until the Parliament ſhall have taken cognizance of the proceedings, and given its conſent to the warrant iſſued to ſeize and bring him to trial. This ſuppoſition argues great ignorance of the laws of England. It is only neceſſary to open Blackſtone, Book 1, Chap. 2, to be convinced that the privilege of Members of Parliament cannot prevent the courſe of juſtice in criminal caſes, and that the Parliament of England, on ſuch occaſions, only enjoys the juſt right of being informed of the confinement of its members, and the crime with which they are charged. It is univerſally known that, a few years ſince, Lord George Gordon was arreſted by order of the King, and that his Majeſty, attentive to the reſpect due to Parliament, immediately ſent them notice of his impriſonment, which did not occaſion any complaint.

ſtate of the French juriſprudence: but it has exceeded both the Inſtructions of its conſtituents, and the example of England, when it extended the inſtitution of Juries even to military offences, liable to be tried by a Court Martial. It is impoſſible to read without the utmoſt aſtoniſhment, in the decrees of the 16th of this month (October 1790), relative to the Navy, that diſobedience to orders, mutiny, neglect of diſcipline, and traiterous plots in favour of the enemy, cannot be reſtrained and puniſhed *until a military Jury*, to which the comrades of the accuſed ſhall be admitted, ſhall have aſcertained the fact and the guilt.* It is at the time when the diſregard of all ſubordination, among both ſoldiers and ſailors, has ariſen to the moſt dangerous height†, that the

* Firſt Title of the penal Code for the Marine. It appears that the ſame principle will be extended to all the military. If it takes place at ſea, where it is neceſſary that orders ſhould be executed with the greateſt celerity, we have ſtill ſtronger reaſon to preſume that it will be applied to the land forces.

† The reports made to the Aſſembly, by the Miniſters for War and the Marine, concerning the contempt of diſcipline on board the ſhips ſtationed at the Antilles, the revolt of the crews of M. de Thy's ſquadron in the Archipelago; the example of mutiny which the ſhip named *Le Léopard* has brought from St. Domingo to Breſt, where it has been quickly followed; and the multiplied inſurrections of almoſt all the troops in the principal garriſons, as at Metz, Nanci, Straſburg, and Liſle; may well make even the authors of anarchy tremble. Fanatic journaliſts alone can aſk, *Why ſhould we be alarmed?*

Why

the Aſſembly, which is itſelf alarmed at it, inſtead of re-eſtabliſhing the vigour of military command, and deſtroying all pretext for thoſe deliberating aſſociations of inferiors which have occaſioned ſo many diſorders, has completely annihilated the authority of the officers, by preventing prompt and efficacious puniſhments, and has encouraged inſurrections, by enfeebling the means of repreſſing them, and relaxing the ſprings of coercion when it was neceſſary to give them additional energy. Is not

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Why ſhould not ſoldiers and ſailors enjoy the effects of liberty? Why ſhould we fear that, if they ſhould ſhake off the yoke of antiquated ſubordination, they will abandon their country in the hour of danger? That the Editor of the *Courier de Provence* ſhould thus proſtitute the name of *Liberty*, to canonize revolt, may be eaſily conceived; but can the Aſſembly which now governs France behold with a tranquil eye the dreadful diſorders announced by the military Miniſters? Muſt it not recognize in them the conſequences of its ſyſtems; and can it diſſemble the difficulty of applying a remedy?—At the very moment this is printing, I am informed that, in Lorrain, the ſeditious motions of the ſoldiers of ſeveral regiments have aſſumed the appearance of a concerted and determined revolt, ſo that it has become neceſſary to march againſt them troops who had continued faithful, and reduce them by ſiege. But what is much more incredible is that, after the ſedition was ſuppreſſed, by the prudence and intrepid firmneſs of a general equally formidable to the internal enemies of the State and its foreign invaders, a member of the National Aſſembly was fanatical enough to cenſure him for having done his duty, and even to charge M. de Bouillé with *treaſon againſt the nation* for having puniſhed rebels; and this charge, inſtead of exciting univerſal indignation, was received with applauſe.

not this to expoſe the kingdom to the perpetuation of that ſeditious licentiouſneſs which the doctrine of equality has introduced even into bodies which can only exiſt and ſerve by a paſſive and abſolute ſubmiſſion of the ſubalterns to their ſuperiors? Is not this, after having occaſioned the abuſe, to exclude the remedy?

With reſpect to the inſtitution of *Juſtices of the Peace*, I ſhall make only one ſingle obſervation. The Inſtructions which have recommended it expreſſed a wiſh that the deciſions of theſe magiſtrates, appointed to maintain the police and the peace in every diſtrict, ſhould be always *without appeal*, at the ſame time that their juriſdiction ſhould be limited to objects of a very moderate value.* As their view was *to diminiſh the number of the degrees of juriſdiction*, it was certainly contrary to their intention, to aſſimilate Juſtices of the Peace to Tribunals which decide in the firſt inſtance. The Aſſembly has not been of the ſame opinion; it has not conſidered Juſtices of the Peace ſolely as ſuperintendants of the police, or as exerciſing the ſame authority they have in England, by cauſing delinquents, and all perſons who diſturb the peace, to

* Cahiers du Tiers Etat de la ville de Paris, page 52.
de Rennes, art. 122.
de Niſmes, page 20.
Cahiers du Clergé d'Angoûmois, article 15.
de Troyes, page 19.

to be apprehended and brought before them; it has conſtituted them Judges of litigations, eligible every two years, who are *empowered to take cognizance of all perſonal cauſes, in the laſt reſort, to the value of fifty livres; and ſubject to appeal, to the value of a hundred livres*:* ſo that they form, with reſpect to the objects of their functions moſt conſiderable in value, an actual degree of juriſdiction. The Aſſembly has beſides ordained, that, *in all caſes which ſhall exceed the competence of a ſingle Juſtice of the Peace, the Juſtice and his colleagues ſhall form a Bureau de Paix,* before which all *civil actions* ſhall be brought before they can be admitted to the Tribunals of the diſtricts, and that the appeals from the deciſions of theſe tribunals ſhall not be received but with a certificate of the appearance of the parties before the *Bureaux de Paix,* which in each town of the diſtrict *ſhall be formed by the Municipal Body*.....Is this then to ſimplify forms, to diminiſh the number of the degrees of juriſdiction, and to abridge the delays of legal proceſſes, according to the wiſh of the Aſſemblies of the whole kingdom?

But it is eſpecially in what concerns the nomination of the Judges, the independence of their functions, and their ſecurity from being removed from their offices, that the decrees of the Aſſembly are contrary to the national Inſtructions.

All

* Art. 19 of the Decree of the 18th July, 1790.

All the Inſtructions have expreſsly declared, or preſuppoſed by implication, that the nomination of Judges can only appertain to the King, while juſtice ſhall continue to be adminiſtered in his name. Setting out from this principle, they have propoſed meaſures proper to be taken, to guide the King in his choice, and have recommended that he ſhould chooſe one of three perſons elected and preſented to him. They differ only with reſpect to the form of the elections and preſentations. The language of ſome is as follows: "Let the right of chooſing the members of the "tribunals be preſerved to the King, on the pre"ſentation which ſhall be made to him, by the "Corporations of cities and towns, of three per"ſons; and let the ſovereign Courts be only com"poſed of experienced magiſtrates, taken from "the inferior Tribunals, on the preſentation "which each provincial Adminiſtration ſhall make "to the King of three perſons, one of whom he "ſhall chooſe."* Others recommend, "that, "conformably to the Ordinance of Blois, his "Majeſty's officers, with the advice of the moſt "conſiderable perſons of the province, ſhall an"nually ſend to the King a liſt of ſuch perſons as "they ſhall judge worthy and proper to be ap"pointed to offices of judicature."† Some only ſay,

* Cahiers du Tiers Etat de Châlons, page 28.

† Cahiers du Tiers Etat de Metz, page 29.

ſay, generally, "that it is expedient that hence-
"forth the Judges ſhall be appointed by the King,
"on the preſentation of the people." * Many
ſpecify "that the Judges ought to be appointed,
"on the preſentation of their own Body, from
"among the Magiſtrates of the inferior Tribu-
"nals, for the ſuperior Courts; and from among
"the Advocates, for the inferior Tribunals." †

Theſe different meaſures, as well as thoſe which tended either to render the eligibility of the Judges entirely independent of the advantages of birth and fortune, or to prevent the abuſe of diſpenſing with the regulations relative to their age and the requiſite examinations, were ſo many wiſe precautions, which contained nothing incompatible with the principles of monarchical government, and which were ſufficient to ſecure a proper choice, purify the ſources of juſtice, and render its miniſters more and more reſpectable.

Why could not theſe ſatisfy the Aſſembly? Why, inceſſantly in extremes, and continually ready to forſake real good to purſue viſionary improvement, and, I will not heſitate to repeat it, perpetually hurried away by thoſe who wiſhed only the deſtruction of the monarchy,—why has it deprived

* Cahiers de la Nobleſſe de Péronne, &c. p. 23.

† Cahiers du Clergé de Vitry-le-François, MSS. &c. &c.

deprived the King of the right of appointing the Judges, a right which the Inſtructions had reſpected, and which is ſo inherent in the Crown, that to ſeparate it from it, is to dethrone the Monarch?

Has it then ceaſed to be true, that juſtice is the firſt duty of Kings, that it is their greateſt benefaction †, that it is even, with reſpect to them, a perpetual debt which they owe to their people, ſince it is what they beſtow in exchange for the obedience paid to them by their people? And how is it poſſible that the King ſhould fulfill this duty, diſtribute this benefaction, diſcharge this debt, if thoſe who adminiſter juſtice in his name are not appointed by him, ſuperintended by him, protected by him; if, not deriving from him their commiſſion, and having no incitement to endeavour to merit his approbation, they owe their exiſtence to the multitude, from which alone they have to fear its loſs, or hope its preſervation?

Shall we be referred to the general principle which diſtinguiſhes the functions of the legiſlative power from thoſe of the executive? But it is manifeſt that the right and duty of appointing Judges has devolved to the latter, ſince it is that which is charged with the execution and vigorous maintenance

† The expreſſion of Maleſherbe ought never to be forgotten, *Juſtice is the beneficence of Kings.*

maintenance of the laws, and to which it appertains to make a juſt application of them in every caſe that may ariſe, which is nothing elſe than to adminiſter juſtice. This would be the principal function of the Supreme Depoſitary of the executive power, could he perſonally diſcharge ſuch a duty; but as this is impoſſible, in a great State, he muſt confide the exerciſe of it to Magiſtrates who ſhall adminiſter juſtice in his name, in alleviation of his labour, and under his authority. It therefore appertains to him to appoint them; it is with the greateſt propriety that the Inſtructions have preſerved to him this right; and it is equally contrary to all reaſon, and to the wiſh of the Nation, that he has been deprived of it by the decrees of the Aſſembly.*

With reſpect to the ſecurity of the Judges from removal, theſe decrees ſtill more expreſsly contradict the wiſh of the Nation, and even a ſolemn law

* One decree of the Aſſembly had, indeed, reſerved to the King the nomination of officers appointed for the adminiſtration of public affairs; but a poſterior decree, dated the 10th of Auguſt, has rendered the former illuſory, by having deprived thoſe officers who are at preſent denominated *Commiſſaries of the King*, of the moſt eſſential of their functions, that of invoking the public vengeance, and accuſing the violators of the laws; as if the delegation of this function did not evidently appertain to the power charged to carry the laws into execution.

law enacted at its requeſt, a law which the ancient States-General conſidered as the ſafeguard of the adminiſtration of juſtice.

All the Inſtructions have inſiſted "that the ir-
"removability of the Judges, and their inde-
"pendence in the exerciſe of their functions,
"ſhould be ſecured to them by a conſtitutional,
"poſitive, preciſe, and clear law."* All have recommended, "that in confirming the ancient
"juriſprudence, and even extending it to all the
"Judges, it ſhould be enacted that no Judge
"ſhould be diſpoſſeſſed of his office, but in caſe
"of forfeiture, previouſly adjudged to be incur-
"red." † All have propoſed, "that, to render
"the adminiſtration of juſtice independent of ar-
"bitrary authority, and to communicate to ma-
"giſtrates the impartiality of the law of which
"they are the organs, the national ſtatute which
"had declared them irremovable ſhould be ſo-
"lemnly renewed, and guarded in ſuch a manner
"that it ſhould be impoſſible to elude it by de-
"privations diſguiſed under the name of ſuppreſ-
"ſions

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* Cahiers du Tiers État de Nivernois, page 8.
de Troyes, art. 55.
de Nérac, art. 11.
de Château-Thierry, art. 24.

† Cahiers de la Nobleſſe de la Banlieue de Paris, page 5.
de Berry, page 13.

" ſions and re-eſtabliſhments of offices, or by any " other modes or fictitious changes." *

Has the Aſſembly ſatisfied this unanimous wiſh? Has it performed what the people expected from it, when, after having annihilated all the bodies of Judicature, it has only eſtabliſhed Judges removable every ſix years, magiſtrates appointed to a precarious office, their continuance in which muſt depend on popular favour? What fund of information, what collective knowledge, what maturity of experience, can be acquired by Judges appointed only for ſo ſhort a ſpace of time? And what emulation, what energy of ſentiment, what independence in diſcharge of their duty, what courage in repreſſing public diſorders, what firmneſs in the proſecution of powerful delinquents, can be expected from magiſtrates who foreſee their re-election or diſmiſſion in the approbation or diſpleaſure of the majority of the multitude?

I ſhall make no more reflexions on the ſtate to which the adminiſtration of juſtice muſt ſoon be reduced in France, in conſequence of the innovations of which I have given a ſketch. Time, if it is the fate of my country to be only inſtructed by its misfortunes, Time will ſhew how well

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* Cahiers du Clergé de Metz, page 14.
de Meaux, page 14, &c.

founded my fears are: Time will ſhew whether, when all the magiſtracy of a great kingdom, and even the magiſterial dignity itſelf, is deſtroyed in an inſtant—when the entire judiciary arrangement is decompoſed—and when a whole generation of Judges are diſbanded, diſperſed, and for ever diſguſted with a profeſſion in itſelf laborious and difficult—Time, I ſay, will ſhew, whether it is eaſy worthily to replace them, and whether it is prudent, after having lodged the force of the nation in the hands of the people, to commit to them likewiſe the adminiſtration of juſtice.

It is however not to be doubted but that, in the Committee appointed to inveſtigate this ſubject, there are enlightened lawyers who have applied themſelves to it with ardent zeal; but participating in the ſpirit which reigns in the Aſſembly, and perhaps yielding to the torrent of popular fanaticiſm, and adjuſting their ideas to the *ſenſe of the Revolution**, they have corrupted the beſt views by the filtration of the falſe principles which have influenced all the operations of the Aſſembly. I have gone over all theſe operations in ſucceſſion; and have ſhewn that, in thoſe on which the fate of France moſt immediately depends, the Aſſembly has acted diametrically oppoſite to the wiſh of the Nation; a wiſh ſanctioned by the deliberations and

* I do not here uſe this expreſſion in the barbarous ſignification in which it has been employed by one of the members of the Aſſembly.

and reſolves of five hundred numerous Aſſemblies, and much more reaſonable than the meaſures which it has been vainly endeavoured to ſubſtitute in its place. Might we not ſay that a malevolent genius, jealous of the happineſs and power which the kingdom of France was on the point of acquiring, by the eſtabliſhment of a wiſe conſtitution, rational liberty, and a moderate government, has overturned theſe magnificent hopes, by infuſing into the greater number of thoſe by whom they ſhould have been realized, a ſpirit of delirium which has cauſed them to neglect every project of utility, and plunge headlong into an abyſs of the moſt extravagant and pernicious abſurdities?

It would be an injuſtice with which I cannot reproach myſelf, not to be perſuaded that a great number, I will even ſay the greater number, of the members of the French Areopagus, have been actuated by a ſincere deſire to effect good; but it would be a meanneſs to which I can never deſcend, to diſſemble that a democratic ferment has perverted every thing; and that ſome villainous and deſigning projectors have taken advantage of this ferment, to inflame to madneſs their blind followers, and thus have produced, in the midſt of the moſt diſgraceful convulſions, a collection of incredible decrees, contrary to the Inſtructions, contradictory to each other, extravagant alike in the good and evil which they contain, and incompatible with every ſpecies of government.

Calm and unprejudiced ſpectators, ſuch as foreigners, have been unable to conceive, that an Aſſembly which they had conſidered as the ſelect leaders of a great and highly enlightened Nation, ſhould act with ſuch diſorder and confuſion: and it is eaſy to judge what muſt have been their ſentiments, when they have beheld the principal actors in theſe extravagant ſcenes emphatically applaud each other, imagine themſelves the firſt legiſlators in the world, and look with a contemptuous eye on all other governments, on all paſt ages, and on every thing that before their time had been admired and revered.* At firſt, while they eagerly laboured to demoliſh what had exiſted for thouſands of generations, while they encouraged each other, and gloried in the general deſtruction, it was ſaid, *What will they ſubſtitute?* But ſince they have declared that they were about to *organiſe* the State in all its parts; it has been ſeen that all theſe organiſations, of which they ſo pompouſly announced the future advantages, effected for the preſent, and preſaged for the future, only one univerſal diſſolution; and that, in fact, theſe ſublime *organiſers* have *diſorganiſed* all the conſtitutional powers, *diſorganiſed* the church, *diſorganiſed* the courts of juſtice, *diſorganiſed* the adminiſtration of the finances, *diſorganiſed* the gradation of ranks and

* Among the notes at the end of this work, one will be found on the opinions of foreign nations with reſpect to what is paſſing in France.

and all intermediate bodies, *diſorganiſed* the army, *diſorganiſed* the monarchical government; in fine, *diſorganiſed* for ever their own Aſſembly, and, for a time, the underſtandings of the greater part of the French Nation.

In the midſt of ſo many accumulated ruins, ſo many abortive operations, ſo many reſolutions ſtamped with the ſpirit of party, and when the whole kingdom remonſtrates againſt the diſorders theſe have occaſioned, could we believe that the Aſſembly would yet have dared to pretend that its acts are unalterable; that, having been conſtituted a National Convention, it has been empowered to change at pleaſure the foundations of the Conſtitution, and eſtabliſh a new form of government, without attending to the wiſh of all the Inſtructions, or permitting the ſubſequent Legiſlatures to make any alteration in its conſtitutional decrees, how reprehenſible or impracticable ſo ever they may appear!—Every perſon, without any other examination than a view of the preſent ſituation of affairs, muſt be perfectly convinced that ſuch a pretenſion cannot be ſupported. But it is not ſufficient that this is felt, from the ſtate of facts; it will be proper to demonſtrate it by an inveſtigation of the claim of right; and this is the laſt part of my taſk, which remains for me to complete, before I proceed to the concluſion by which I would hope to conciliate all parties.

This diſcuſſion will ſtill add to the length of work the ſize of which, I much fear, will terrify three fourths of thoſe into whoſe hands it may fall, from attempting its peruſal. But I write not for thoſe perſons who, even in affairs of State, wiſh but to ſkim the ſurface, and avoid the labour of profound inveſtigation. I aſk a perſevering attention only from thoſe who, convinced of the importance of the ſubjects I endeavour to treat methodically and fully, will not think I have dwelt too long on any point; and who even would not pardon me, ſhould I conclude by giving my opinion haſtily and incompletely on a poſition which of all others is the moſt important, though it has been leaſt examined; which ſerves as an intrenchment againſt all the cenſures that may be paſſed on the Aſſembly for acting in contradiction to the national Inſtructions, and the refutation of which muſt overthrow the whole anti-monarchical edifice.

Is the Aſſembly a National Convention? Does it poſſeſs, under this title, the power to create a new Government, to annull what the Inſtructions have unanimouſly recommended, and to interdict the Aſſemblies which ſhall ſucceed it from making any alteration in ſuch of its decrees as it ſhall have declared conſtitutional?

How far ſoever the Aſſembly may have departed from the point from which it ſet out, and whatever

whatever endeavours it may have made to cauſe that point to be loſt ſight of, it will be neceſſary, in order to determine what it is, to recollect what it was in its origin; how it was convoked, how compoſed, how delegated; and what changes have taken place in its formation, in its title, and in its own ideas. This compariſon of things ſeparated from each other but by a ſmall ſpace, affords ample ſubject for reflection; the periods of time are contiguous, but the moral intervals are immenſe.

National Aſſemblies had no longer exiſted in France for a century and a half, when Louis XVI, actuated by the deſire of alleviating the burdens of his people, by introducing better order into the finances, determined to concert the means of effecting this with the repreſentatives of the Nation; and after having firſt aſſembled, in 1787, the *Notables* of all orders, and from all parts of the kingdom, he reſolved, in 1788, to convoke the grand Aſſembly of the States-General, according to the ancient forms, and fixed the day of their meeting for the 27th of April 1789.

The letters of convocation ſtate the object, and preſcribe the mode, of this meeting. "We ſtand "in need of the concurrence of our faithful ſub-"jects, to enable us to eſtabliſh a conſtant and in-"variable order in every part of government that "intereſts the happineſs of our people. We "mean and deſire that the moſt proper perſons

" of the three Eſtates of each Bailiwick or Seneſ-
" chalty, of all the provinces of our kingdom,
" ſhould meet to confer together, on ſubjects of
" complaints, grievances, and remonſtrances,
" and the means and advice they may have to
" propoſe to the general Aſſembly.....that they
" ſhall chooſe deputies worthy of confidence....
" that ſome of the moſt reſpectable perſons of
" each province ſhall attend....that theſe deputies
" ſhall be furniſhed with proper inſtructions, and
" ſufficient powers, to propoſe, remonſtrate, ad-
" viſe, and conſent to every thing that may con-
" cern the wants of the State, the reform of
" abuſes, the eſtabliſhment of ſteady and perma-
" nent order in every branch of the adminiſtra-
" tion, the general proſperity of our kingdom,
" and the welfare of all and each of our ſub-
" jects."

To theſe letters of the King, which well deſerve to be engraven, in indelible characters, in the hearts of all Frenchmen, were added regulations the remembrance of which is preſerved by the fatal effects they have produced. The one preſcribed, in general, for the whole kingdom, the manner in which the preliminary and elective aſſemblies ſhould be compoſed; and the other fixed, for each province in particular, the number of deputations, and the manner of proceeding to their formation: both, originating from a Miniſter who was a republican by birth, deſpotic by character,

popular

popular from vanity, and anti-monarchical from ambition, beſtowed on the Third Eſtate ſuch a preponderance in the Aſſembly as muſt cruſh the two other Orders, and change the form of government. *Indè mali labes* *.

But the defect of the compoſition of the Aſſembly had no influence on the drawing up of the Inſtructions, all of which correſpond to the original purpoſe of the convocation; all enjoin the deputies to be faithful to the King, to maintain the form of government, and to confine themſelves to the reformation of abuſes. The extracts I have given from them ſufficiently ſhew that it is only in this ſenſe that they have ſometimes uſed the word *regeneration*, which the Aſſembly has endeavoured to pervert to a ſignification it was never intended to convey. Certainly France would be moſt happily regenerated, were the wiſh of the Nation, as expreſſed in the Inſtructions, completely fulfilled; and had not its repreſentatives, who had ſworn to conform to them, tranſgreſſed them in the moſt eſſential points, and purſued a path diametrically oppoſite

* It is now twenty months ſince I pointed out, and aſcribed at that time to M. Necker, the origin of the troubles and misfortunes of France. It may be ſeen in my Letter to the King, in the month of January 1789, that I then predicted them, and declared that he ought to be reſponſible for them. (Pages 13, 14, of the edition in 4to.)

oppoſite to that unanimouſly pointed out by their conſtituents.

Scarcely were the Deputies aſſembled, ſcarcely had they heard the words of peace and exhortations to concord, which the King paternally addreſſed to them at their firſt meeting, when the flames of diſcord broke forth from the combuſtibles which a perfidious hand had previouſly amaſſed and prepared in the boſom of the States-General. It is not neceſſary that I ſhould relate in what manner the Third Order ſucceeded in its attempts to ſubjugate and confound in itſelf the two others, while at firſt it only appeared to wiſh the union of the three, to verify in common the powers of all the members of the Aſſembly: nor do I mean to examine whether it would have been preferable to have made leſs reſiſtance with reſpect to this firſt point, which was only a preliminary, in order to proceed with more advantage to objects of greater importance, and entirely to unmaſk the premeditated attack. I paſs over the five and forty days employed, or rather loſt, in diſcuſſing the form in which the powers ſhould be verified, and confine myſelf to the ſitting of the 17th of June, in which the Order of the Third Eſtate, having proceeded alone to the verification of the powers of its members, without conſenting that the two other Orders ſhould act in the ſame manner with reſpect to theirs, aſſumed, for the firſt time, the title of *National Aſſembly*.

The

The words of the decree in which this title was assumed are especially remarkable, and throw a great light on the consequences which it has been endeavoured to deduce from it.

The Assembly of the Deputies of the Third Estate (which some Curates* had already joined), considering "that the absent members who have "been called on to attend, cannot prevent those "who are present from exercising all their rights... "declares that the common work of national resto- "ration may, and ought to be, begun by the depu- "ties present, and proceeded in without interrup- "tion or obstacle; and that the name of National "Assembly is the only one which, in the present "state of things, can suit this Assembly; because "the members who compose it are the only Repre- "sentatives legally and publicly acknowledged and "verified; because they are immediately delegated "by almost the whole of the Nation; and, lastly, "because

* When it was so contrived that more than two thirds of the Deputies of the Clergy should be chosen from among the country Curates (or Ministers of Parishes), it was distinctly foreseen that these would prove a strong reinforcement to the Third Estate, to which they appertained: in fact, their preponderance in the Clergy destroyed the weight which that Body ought to have had in the deliberations. It must be confessed that the manœuvres of M. Necker have been very efficacious in every particular; and the disturbers of the public tranquillity have certainly acted very ungratefully toward him.

oppoſite to that unanimouſly pointed out by their conſtituents.

Scarcely were the Deputies aſſembled, ſcarcely had they heard the words of peace and exhortations to concord, which the King paternally addreſſed to them at their firſt meeting, when the flames of diſcord broke forth from the combuſtibles which a perfidious hand had previouſly amaſſed and prepared in the boſom of the States-General. It is not neceſſary that I ſhould relate in what manner the Third Order ſucceeded in its attempts to ſubjugate and confound in itſelf the two others, while at firſt it only appeared to wiſh the union of the three, to verify in common the powers of all the members of the Aſſembly: nor do I mean to examine whether it would have been preferable to have made leſs reſiſtance with reſpect to this firſt point, which was only a preliminary, in order to proceed with more advantage to objects of greater importance, and entirely to unmaſk the premeditated attack. I paſs over the five and forty days employed, or rather loſt, in diſcuſſing the form in which the powers ſhould be verified, and confine myſelf to the ſitting of the 17th of June, in which the Order of the Third Eſtate, having proceeded alone to the verification of the powers of its members, without conſenting that the two other Orders ſhould act in the ſame manner with reſpect to theirs, aſſumed, for the firſt time, the title of *National Aſſembly*.

The

The words of the decree in which this title was aſſumed are eſpecially remarkable, and throw a great light on the conſequences which it has been endeavoured to deduce from it.

The Aſſembly of the Deputies of the Third Eſtate (which ſome Curates* had already joined), conſidering "that the abſent members who have "been called on to attend, cannot prevent thoſe "who are preſent from exerciſing all their rights... "declares that the common work of national reſto- "ration may, and ought to be, begun by the depu- "ties preſent, and proceeded in without interrup- "tion or obſtacle; and that the name of National "Aſſembly is the only one which, in the preſent "ſtate of things, can ſuit this Aſſembly; becauſe "the members who compoſe it are the only Repre- "ſentatives legally and publicly acknowledged and "verified; becauſe they are immediately delegated "by almoſt the whole of the Nation; and, laſtly, "becauſe

* When it was ſo contrived that more than two thirds of the Deputies of the Clergy ſhould be choſen from among the country Curates (or Miniſters of Pariſhes), it was diſtinctly foreſeen that theſe would prove a ſtrong reinforcement to the Third Eſtate, to which they appertained: in fact, their preponderance in the Clergy deſtroyed the weight which that Body ought to have had in the deliberations. It muſt be confeſſed that the manœuvres of M. Necker have been very efficacious in every particular; and the diſturbers of the public tranquillity have certainly acted very ungratefully toward him.

" becauſe repreſentation being a thing ſingle and " indiviſible, no Deputy, from whatever claſs he " may be choſen, has a right to exerciſe his func- " tions ſeparately from the preſent Aſſembly." It is alſo ſaid, " the Aſſembly will never give up " the hope of uniting to itſelf all the Deputies (of " the Clergy and the Nobility) at preſent abſent; " nor ever ceaſe to invite them to fulfill the ob- " ligation impoſed on them, *to concur in the hold-* " *ing of the States-General.*"

We perceive that the only queſtion then under conſideration was, what *denomination* ſhould be aſſumed by the Deputies of the Third Eſtate, who had before changed their ancient title into that of *Commons*, and who believed they ought to take another name, when, in conſequence of the abſolute refuſal of the two firſt Orders to unite with them, they had reſolved to act without them, as the Repreſentative Body of the Nation. The choice of this title had been the ſubject of debate during more than one ſitting. It was firſt propoſed to take that of *the only verified and acknowledged Repreſentatives*. M. de Mirabeau was of opinion that they ought to ſtyle themſelves *the Repreſentatives of the French People*; and he obſerved, that " it was neceſſary to find a title which might " ſuit their great aim of activity, without having " the defect of appearing a deprivation of the two " Orders, the exiſtence of which cannot be diſ- " ſembled.

" ſembled*." At length, on the 17th of June, the title of *National Aſſembly* obtained the preference; and it is apparent, from the very words of the Reſolution, that this title was only adopted by the Third Eſtate, from the conſideration that it could not take, in the abſence of the two other Orders, that of *States-General*, which even then it did not loſe ſight of, ſince, after having ſaid that the denomination of *National Aſſembly* is the only one ſuitable to it *in the preſent ſtate of things*, it is added, that " the Aſſembly will not " ceaſe to call on the abſent Deputies to fulfill " their duty, by concurring to hold the States-" General."

The mere choice of a denomination, made in this manner, and under ſuch circumſtances, by one only of the three Orders, certainly does not preſent the idea of the greateſt event that can happen in a monarchy, as would be that of the whole Nation forming a convention to create a new government, and inveſting, for that purpoſe, its repreſentatives with unlimited powers.— What a ſenſation, what a univerſal commotion, would the Reſolution of the 17th of June have excited, had it been poſſible, without being a viſionary, to have perceived in it any thing ſimilar to ſuch an event!

Thoſe

* See his eleventh Letter to his Conſtituents.

Thoſe who argue on the other ſide will not, therefore, venture poſitively to affirm that this was the period of the metamorphoſis of the Aſſembly into a *National Convention*; they are contented with inſinuating it, and finding in this Reſolution of the 17th of June, which they conſider as fundamental, the commencement of the exerciſe of the *conſtituent power* which they attribute to the Aſſembly.*

Others have ſought in the Inſtructions the origin of this attibution of unlimited power; and though they have not been able to diſcover the leaſt trace of it in them, they have told us: "Charged by "our mandates to examine the Conſtitution, we "have been created a conſtituent Aſſembly"—an abſurdity which is manifeſt at the firſt glance; ſince, to argue logically, it ſhould have been ſaid: "We have been charged by our mandates "to examine the Conſtitution; therefore we were "not created a conſtituent Aſſembly."†

Another, convinced that the Inſtructions afforded no ſubterfuge or equivocation which could favour the idea that the principle and character of a national convention may be found in a convocation of Deputies by the authority of the King, has imagined a more deciſive ſyſtem; and has afterwards

* Expreſſion of the Abbé Sieyes in the ſitting of the 7th of September, 1789.

† Report of M. Chapelier, of the 19th of June 1790.

wards extolled with rapture the eloquence with which he had eſtabliſhed it*. "I diſdain," ſaid he, in his ſpeech of the 19th of April 1790, "I "diſdain quibbles, I deſpiſe ſubtilties.....I ſay "that whatever were our powers at the time "when we firſt met, convoked by a legal autho- "rity, they changed their nature on the 20th of "June, becauſe ſuch a change was neceſſary to "the ſafety of our country; that, if they had need "of extenſion, they acquired it on that memo- "rable day, when, wounded in our dignity and our "duties, we bound ourſelves to the public wel- "fare by an oath never to ſeparate until the Con- "ſtitution ſhould be eſtabliſhed and confirmed.... "Summoned by the irreſiſtible alarm-bell of Ne- "ceſſity, our National Convention is ſuperior to "all limitation and to all authority. It owes an "account of its conduct to itſelf alone, and can "be judged only by poſterity."

In

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* See N° 123 of the *Courier de Provence*, ſerving as a continuation to the Letters of the Count de Mirabeau to his conſtituents, and which is ſuppoſed to be written by him. The author, after having given the ſpeech by which he ſays the Count *overwhelmed the Abbé Maury, exclaims*, "*This is eloquence; and the orator who cites Cicero, has no reaſon to envy him.*" M. de Mirabeau had repreſented the Aſſembly as in the ſame ſituation with the Roman orator who, having exceeded the powers confided to him by his office, replied, when a Tribune demanded from him an oath, *I ſwear that I have ſaved the republic*. Every one is convinced that the powers granted have been exceeded, but no one perceives that the State is ſaved.

In this high-ſounding but empty noiſe of words, which might be called eloquence, if what ſhocks common ſenſe could be compatible with the art of perſuaſion, do we not clearly perceive the ineffectual efforts of the orator to maintain an abſurd theſis? Powers which change their nature in a moment—an Aſſembly which, by an oath, acquires an extenſion of competence—a National Convention ſummoned by an irreſiſtible alarm-bell, while the Nation knows nothing of the matter, and which, by the ſole virtue of this alarm-bell, becomes, on a ſudden, ſuperior to all limitation and to all authority; which owes an account of its conduct to itſelf alone, and which cannot be judged by the preſent generation—What does all this mean? What kind of a claim muſt that be which has no other ſupport than ſuch expreſſions as theſe?

I have reaſon to ſay *no other ſupport*; for it is to be obſerved that there is not a ſingle decree, or a ſingle reſolution of the Aſſembly, by which it has declared itſelf *a National Convention*, or by which it has aſſumed ſuch a character. I do not, therefore accuſe the Aſſembly of the uſurpation of a title which it has never aſſumed. But can it juſtify itſelf for having acted as if it poſſeſſed the rights annexed to ſuch a title, as if it were empowered to exerciſe them excluſively of the ſucceeding Legiſlatures, and as if the inflated verboſity of ſome of its moſt violent orators were ſufficient

cient to confer upon it what the Nation itſelf could not alienate in its favour? With what face have theſe men dared, becauſe they could not find the means to legaliſe ſuch an invaſion, to exclaim in the Aſſembly, *The attacks of Deſpotiſm, the dangers we have braved, the violence we have repulſed, theſe are our titles, which are conſecrated by our ſucceſs?*—Their ſucceſs! when France groans in deſpair, and bleeds at every pore!

But they did not even obtain this ſucceſs, which is the great ſupport of a chimera that only exiſts in their words, in the field of battle of their intrigues; for there was it that, on this ſame ſubject, an adverſary, equally ſuperior to their dark ſophiſms, and the dazzling glare of their declamations, has demonſtrated, in deſpite of the turbulent Gallery, that thoſe always ſpeak beſt who have truth on their ſide. He has demonſtrated, without noiſe or rant, " that, for a National Conven-
" tion to exiſt in France, it is neceſſary that the
" whole Nation, riſing againſt the government,
" and diſſatisfied with its King, ſhould itſelf have
" choſen repreſentatives, without the participation
" of the Monarch; ſhould have given full powers
" to its Deputies, and have tranſmitted to them
" all the rights which appertained to it at the firſt
" moment when it was formed into a Nation.
" Such, ſaid he, is the idea we ought to have of a
" National Convention. You are not one, if your
" power has bounds; but if your power is unli-

" mited, and if you are a National Convention,
" you may new-model the kingdom, declare the
" throne vacant, and even annihilate the regal
" power for ever. I declare to all my opponents
" that their doctrine tends to this abſurd conſe-
" quence, and that this is the great difficulty, and
" fundamental principle, which they have to
" combat.

" The Nation," added he, " has willed, and
" has poſitively declared, that none of our decrees
" ſhall be carried into execution without the free
" ſanction of the King. We have ourſelves ac-
" knowledged this doctrine of our conſtituents;
" and, from the date of this acknowledgement, it
" is moſt clear that the firſt page of our Conſtitu-
" tion irrefragably teſtifies againſt thoſe who would
" wiſh to make this Aſſembly a National Conven-
" tion.....The Legiſlatures which ſhall ſucceed us
" will poſſeſs the ſame powers as we, and will
" not ſtudy their rights in our decrees.....The
" Nation has not authoriſed us to limit the powers
" which it will be pleaſed to confide to our ſuc-
" ceſſors.....No: you would not be the guardians
" of the rights of the Nation, you would become
" the tyrants of your fellow-citizens, you would
" be the enemies of the liberty of France, ſhould
" you undertake to lay a previous reſtraint on the
" authority of the Legiſlative Body.*"

Theſe

* Speech of the Abbé Maury, pronounced the 19th of June 1790, pages 13, 14, 20, and 21.

Theſe arguments, which I have copied literally, leſt I ſhould enfeeble them, are unanſwerable, and completely overturn the imaginary erection of a Convention all-powerful for the paſt, to annull the unanimous mandates of the Inſtructions; all-powerful for the preſent, to create a government as if there had been an interregnum; and all-powerful for the future, to interdict the ſucceeding Legiſlatures from making the ſmalleſt alteration in what it ſhall have conſtituted. The Abbé Maury was therefore authoriſed to conclude, as he did, the expoſition of his principles in theſe words: "I dare hope that the pretenſion of forming "a National Convention will never make its ap-"pearance again in this Aſſembly." But then was it that a voice too often exalted by tumultuous acclamations, treated him as a "malevolent "rhetorician, who inceſſantly oppoſed the Nation "to the National Aſſembly, as if it were not by "the National Aſſembly that the French, who "had before been only an inconſtituted aggre-"gate of diſunited people, had truly become a "Nation....." The preceding ſpeaker," exclaimed this ſame voice, "demands in what manner we "have been ſuddenly transformed from ſimple "Deputies of Bailiwicks into a National Aſſem-"bly? I reply—On the day on which, finding the "hall where we were to aſſemble, ſhut up, ſtuck "thick, and defiled with bayonets, we ran to the "firſt place in which we could meet, to ſwear "that we would periſh rather than ſuffer ſuch an

" order of things to ſubſiſt.....On that ſame day, " if we were not a National Convention, we be- " came ſuch.....The Deputies of the people be- " came a National Convention, when, by an act of " madneſs truly ſacrilegious, Deſpotiſm endea- " voured to prevent them from fulfilling their ſa- " cred miſſion." *—How impudent! What he calls *an act of madneſs truly ſacrilegious*, was an order of the King, a proclamation from his Majeſty, publiſhed by his heralds, the ſole object of which was to ſuſpend, for a moment, the meeting of the Aſſembly, till the neceſſary preparations could be made in the hall they occupied, for a royal ſitting, which his Majeſty had announced for the day after the morrow. This he dares to treat as an attack of Deſpotiſm. Becauſe ſentinels were placed at the door of the Hall, to prevent entrance during this ſhort interval, the volcano of his incendiary imagination has made him ſee, a year afterward, the Hall ſtuck thick and defiled with bayonets! It is, in fine, in the midſt of this reverie, that he places the birth of the National Convention, the offspring of the oath without object which the Aſſembly, ſeized with a panic without cauſe, adminiſtered, on the 20th of June, in a tennis-court.

If

* Speech pronounced by the Count de Mirabeau the 19th of June 1790, and given in the *Courier de Provence*, N° 133, p. 446.

If I had not ſo exactly ſtated as I have done, all that the hiſtory of the Aſſembly and its debates furniſhes relative to the pretended claim I have undertaken to refute, it would not be believed that it had no other foundation than opinions haſarded without examination; and that it is merely by declamations of the ſame kind with that I have juſt cited, that the Aſſembly has been inveſted with the moſt exorbitant power poſſible to be conceived, with an indefinite power, a power which may be ſaid to be unexampled: for the ſuppoſed inſtances which are adduced of it are entirely irrelative; and the application which is made of them, proves that neither the word *Convention* (a term borrowed from the Engliſh, who ſeem themſelves to have borrowed it from the Scotch), nor the caſes in which what is expreſſed by that word has taken place, have been rightly underſtood.

The term *Convention*, the etymology of which ſhews that it ſignifies a voluntary meeting, is very naturally appropriated to National Aſſemblies, formed of their own motion, and without having been convoked by the Sovereign.

In Scotland, though there was a Parliament, it was cuſtomary, in extraordinary and very important circumſtances, for a general aſſembly to meet, compoſed of Earls, Barons, Gentlemen, Burgeſſes, and Miniſters of the Church. This was a ſpontaneous, and frequently tumultuous, Aſſembly

of the States of the kingdom, and received the name of the *Scottiſh Convention*: the reſult of its deliberations was called the *Covenant*; and thoſe who ſubſcribed or adhered to it, were called *Covenanters*. In this manner were formed the Covenants for the reformation of religion, and particularly the famous Covenant in 1643, which, having been ſubſcribed in the name of England, was conſidered as a *ſolemn league* between the two kingdoms, and afterwards occaſioned ſuch great troubles.

In England, when, after the death of Cromwell, the Long Parliament was diſſolved, and a new Parliament aſſembled without a regular convocation, it was at firſt only called a Convention; and it was only in virtue of a ſolemn act which had received the royal ſanction, that it aſſumed the name of a Parliament. In 1688, there was a ſecond example of an *Engliſh Convention*, which was when James II, having abandoned his kingdom, and being conſidered as having abdicated the crown, the Lords and Commons, aſſembled without a convocation *, declared the throne vacant, invited the Prince of Orange to aſcend it, and drew up a Declaration

* Circular letters were ſent by the Prince of Orange to all the counties and boroughs of England, inviting them to elect repreſentatives; but as that Prince had not then any right to the crown, theſe were only letters of invitation, and not of convocation.

Declaration of the Rights of the Engliſh Nation, by which the limits of the Royal Prerogative were finally aſcertained.

I know no other examples of the *Engliſh Convention*. Mr. Hume ſays that this term ſignifies *a Parliament aſſembled without the uſual forms* *; but to define a Convention more accurately, we ſhould ſay, that *it is a meeting of the two ſubſiſting powers, in default of the third, which is alone capable of legally convoking them.* It is, in fact, the non-exiſtence of the convoking power, which produces the neceſſity of the Convention; it is this neceſſity which determines the ſubjects to be diſcuſſed in it, which circumſcribes the deliberations; and the acts which are the reſult of it only become truly conſtitutional, at the moment they are ratified in a Parliament rendered complete by the acceſſion of the third power. Thus, in 1689, when William had been proclaimed King, the two Houſes, which had met as a Convention at the time of the Revolution, having become, by the concurrence of the Monarch, a Parliament, properly ſo called, confirmed, under that title, all that they had before done; and completed that ſolemn *Declaration of Rights* which, from that time, has been the baſis of the Conſtitution of Britain.

* Hiſtory of the Houſe of Stuart, Vol. III, pag. 449, edit. in 4to.

This ſtatement of facts, taken from the annals of Scotland and England, aſcertains the ſenſe of the word *Convention* in the countries where that kind of Aſſembly has taken place, and conſequently that in which it ought to be uſed when it is borrowed. The concluſion to be drawn from theſe premiſes is evident.

The Aſſembly which exiſts in France exiſts only by the effect of the will of the King; it was called by him, convoked by his letters; it did not therefore *convene*, or meet, of itſelf, and therefore is not a *Convention*.

It is only in caſes of interregnum, or a vacancy of the throne, that *National Conventions* have place. But in France there is neither an interregnum, nor a vacancy of the throne. The Aſſembly therefore is not a National Convention.

Though it ſhould be granted that the Aſſembly is a Convention, it will not follow that it poſſeſſes an unlimited power relative to all objects, nor that it is ſuperior to all legiſlatures, ſince ſuch is not the nature of Conventions, the power of which is confined to the object that rendered them neceſſary; and they are ſo far from being ſuperior to the Parliament, that it is from that they receive the ratification of all their acts.

Thus

Thus the Aſſembly arrogates to itſelf a title which is neither ſuitable to it, nor to the ſtate of France, and attributes to this title an unlimited authority which cannot appertain to it.

But let us leave the word, and, at preſent, diſcuſs the intention. Let us examine what are the claims of the Aſſembly, under any title. The authors of the ſyſtem it follows maintain, and it has itſelf preſuppoſed by its conduct, that it is not ſimply, as the Legiſlatures that ſhall ſucceed it will be, *a conſtituted power*, but that it is *a conſtituent power*; that nothing is ſuperior to it, but that it is itſelf ſuperior to every thing; that it is not bound to maintain any of the fundamental principles declared immutable by the Inſtructions, but that the Aſſemblies which ſhall ſucceed it will be bound invariably to abide by all thoſe which it ſhall have eſtabliſhed; in a word, that it can do every thing, but that nothing which it ſhall have done can be again undone.

But this is neither true in fact, nor poſſible.

It is not true in fact, ſince there is no title by virtue of which ſuch an authority can be ſupported, no decree which has declared it, no moment in which it can be ſaid that it began to exiſt.

Is it not poſſible, ſince it is repugnant to the nature of things that the repreſentative Body ſhould

ſhould have the attributes of the collective Body it repreſents; ſince it cannot be conceived that deputies can become any thing more than what they were conſtituted by the mandates they received; ſince it is abſolutely impoſſible that the *conſtituted power* ſhould become the *conſtituent power*, in the ſenſe which our ſubtil legiſlators themſelves aſſign to theſe novel terms;* and ſince the ſame principle which derives from the ſovereignty of the Nation all the rights which its delegates exerciſe in its name, will not permit that the Nation ſhould, in any caſe, deprive itſelf of them, or alienate an appanage which is not even communicable; it being no more poſſible that the Nation ſhould abdicate or tranſmit the rights of its ſovereignty, than that it ſhould make a valid renunciation of what is neceſſary to its own ſecurity.

I would aſk the inventors and defenders of the contrary ſyſtem, if they can deny any one of theſe propoſitions. I would ſay to them:—The Nation, when it made you the bearers of its Inſtructions, did not conſtitute you its plenipotentiaries. You were not ſuch when you arrived; how then can you have become ſuch ſince? The Nation has not aſſembled anew, it has not explained its will differently, it has added nothing to your exiſtence; You

* According to them, the preſent Aſſembly *is a conſtituent power*, but the future Aſſemblies will be only *conſtituted powers*.

you are therefore only what you were firſt deputed by the Bailiwicks; and, beſides, though it ſhould be granted that you are the plenipotentiaries of the Nation, would you be therefore authoriſed to trample under feet its Inſtructions?

I would ſay to them, likewiſe:—Is it not true that every effect muſt be produced by a cauſe, that every power received muſt have been given, that every ſolemn attribute muſt have a legal title? But can you ſhew the productive cauſe, the act of conceſſion, the legal title, which has conferred on you a power unlimited in itſelf, unexampled but in you, and unheard-of till the preſent day, when you arrogated it to yourſelves? Where is the charter on which it is founded? Where does it reſide? Inform the Nation, from which alone it can have emanated, which is unconſcious of having tranſmitted any thing ſimilar, and can perceive no trace of it in what has proceeded from itſelf. This Nation, of which you are but the interpreters, has ſpoken only by its mandates; and theſe mandates, far from from having inveſted you with unlimited power, are, on the contrary, ſo limiting, ſo imperative on eſſential points, that, to break their ſhackles, you have not feared to falſify your oath.* This is all the intercourſe that has taken

* It may perhaps be alledged that the Declaration of the King, of the 23d of June 1789, has acknowledged the inconvenience of imperative mandates, and appears to have freed the

taken place, or that can take place, between you and the Nation, until new Aſſemblies, convened in every part of the kingdom, ſhall have declared the general wiſh. The law, according to your own definition, is only the expreſſion of *the general will*; and your office is merely to collect and notify this will; but the expreſſion of the general will of a great nation can only be found in the reſult of the declarations of a multitude of particular aſſemblies; and this reſult being contrary to your pretenſions, you are not only without a title, but the only title you can ſet up makes againſt your claims.

Laſtly, I would ſay to them:—Whatever exiſts, except the Eternal Being, has begun to exiſt; there muſt, therefore, have been a beginning to that pretended exiſtence by which you have no reſemblance to any of the aſſemblies which have preceded, or any of thoſe which ſhall ſucceed you. But when was this beginning? Can you yourſelves fix the date of your birth as a national conſtituent and all-powerful Convention? This day, the moſt glorious, doubtleſs, that you have ſeen, ſince

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the Aſſembly from the obſervance of them: but, in the firſt place, according to the ſyſtem of the Aſſembly, the King had not power to invalidate the national mandates; and, in the ſecond, it is not true that the Declaration of the 23d of June concerns the mandates in general, it relates only to ſome in particular, and in general refers only to futurity.

ſince it was the firſt of your political life—this day, on which your reign commenced, and which has ſuddenly raiſed you above the moſt revered throne—this miraculous day, the effects of which are ſo incomprehenſible, and which ought to be more conſpicuouſly marked than any other in the annals of our hiſtory—whence is it that this day cannot be aſcertained with any certainty? I am, perhaps, the only perſon who has inquired at what moment that change was effected which could not be made without the knowledge of the whole nation, and find that I have only the choice of two epochas, neither of which offer any thing ſimilar to what I ſeek; that of the 17th of June, which preſents only the choice of a name aſſumed by the Aſſembly, becauſe it was then unable to take that which it would have preferred, had circumſtances permitted; and that of the 20th of the ſame month, the day of the oath taken in the tenniscourt, for mutual encouragement, againſt a danger which did not exiſt, and to form a league againſt orders which had never been iſſued, but which, had they been iſſued, would have been inconteſtably legal.

I ſhall ſtate more explicitly this latter propoſition, which I am very certain will give offence to many perſons; but I ſhall confine myſelf to the ſtricteſt truth.

Whatever

Whatever may have been the deciſions of the Aſſembly, poſterior to the 20th of June 1789, with reſpect to the right which the King has always poſſeſſed to convoke, prorogue, and diſſolve the States-General, it is certain that, on the 20th of June 1789, he was in full poſſeſſion of this right, which had not yet been queſtioned, and that, if he had then made uſe of it to diſſolve the Aſſembly, he would not have exceeded the limits of his power. It would not be difficult to prove that this power makes a part of the royal prerogative, even in limited monarchies; that it is an eſſential preſervative of them, and that to take it away is to deſtroy one of the counterpoiſes neceſſary to maintain the equilibrium. It would be equally eaſy to prove that it would be unuſual, and out of regular order, that an Aſſembly of national Deputies ſhould be formed without a convocation; and that the law which commands its periodical renewal ſhould be executed without the intervention of the Executive Power, and without its application being determined by that Power, according to the exigence of unforeſeen caſes. But though theſe principles ſhould have been aboliſhed by the reſolutions of the Aſſembly, we cannot ſay that they were before theſe reſolutions were paſſed, and even before a thought was entertained of calling them in queſtion. The King therefore poſſeſſed entire the right of convoking, proroguing, and diſſolving the Aſſembly of the States-General, when a part of that Aſſembly, in the agitation

agitation of a panic terror, entered into an engagement to violate theſe ſame rights, and took an oath to be refractory to its Sovereign, without reflecting that to ſwear together againſt the duty of fidelity is to conſpire. Can then an act of this nature, an act ſo polluted in its origin, produce a creative and unlimited power, to which the moſt expreſs and authentic declaration of the national will could ſcarcely give exiſtence?

In default of this expreſs declaration of the will of the Nation, which nothing can ſupply, when the queſtion is to change the conditions of its civil aſſociation, my opponents entrench themſelves in the ſuppoſition of a tacit conſent, which they thus endeavour to eſtabliſh:—

We repreſent the Nation; we have been commiſſioned by it to regenerate the kingdom; it has confided to us the care of giving it a new conſtitution; the oath not to ſeparate until we had formed ſuch a Conſtitution, has received its approbation; to have impoſed on us this duty, is to have conferred on us all the power neceſſary to diſcharge it; and it is under this title that we are *a conſtituent power*, with reſpect to the eſtabliſhment of the Conſtitution, though we are only a *conſtituted power* with regard to the particular objects of legiſlation. This diſtinction between our Aſſembly and the ſucceeding Legiſlatures, is founded on the neceſſity of preſerving the

the Conſtitution from an inſtability which would render it more pernicious than uſeful. In fine, could any doubt be entertained on the ſuperiority of our miſſion, or the immutability of our conſtitutional decrees, it would be entirely removed by the multiplied concurrences by which they have been confirmed, and by the oath which all the kingdom has taken to maintain them.

This is the ſum of the moſt ſpecious arguments in favour of this idea; but nothing can be leſs true than theſe poſitions, in the ſenſe here aſſigned to them; nor nothing leſs concluſive for the conſequences which it is endeavoured to derive from them.

You are the Repreſentatives of the Nation; each of you repreſents that portion of the kingdom by the particular Aſſembly of which he has been deputed*; and all of you together form the repreſentative

* What has been decreed, *that, from the moment any man is nominated by his Department a Deputy to the National Aſſembly, he ſhall no longer be the repreſentative of that particular Department, but that of the whole Nation,* can never become a principle, till after all the provinces ſhall have expreſsly conſented to it, ſince it is an abrogation of the right which they have always enjoyed in the Aſſemblies of the States-General; but whatever it may become for the future, no retroactive induction ought to be deduced from it; and, at leaſt in this firſt Aſſembly, the provinces ought to preſerve their repreſentatives.

repreſentative Body of the Nation. As Deputies of each portion of the kingdom, you are the bearers of the wiſh of each Aſſembly on the different conſtitutional points comprized in its Inſtruction. As members of the repreſentative Body of the Nation, it is your duty to compare and adjuſt the wiſhes of all the particular Aſſemblies, in order to deduce from them the expreſſion of the general will; and when theſe wiſhes are accordant and unanimous, in what relates to the government of the kingdom, your function is reduced to collect the reſult, and to develope its conſequences; but in no caſe, and under no relation, can the quality of *Repreſentative* give the right of contradicting, and ſtill leſs of annihilating, the will of the perſon repreſented.

The Ambaſſador of a Sovereign is his repreſentative: does it follow that he may act contrary to the

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tives. It may appear proper that, hereafter, when the Conſtitution ſhall have been definitively ſettled, and aſſented to by the Nation, the Deputies who ſhall compoſe the Legiſlatures appointed to enact the acceſſory and particular laws, ſhall proceed in their work only in quality of Repreſentatives of the Nation, without being guided by any ſeparate inſtruction, and that they ſhall be, like the members of the Engliſh Parliament, the depoſitaries of a general confidence, to regulate unforeſeen and undetermined objects; but until the Conſtitution ſhall be finiſhed, the Deputies eſpecially charged to draw up the articles of it, cannot, while they are ſo employed, be conſidered in any other light than ſpecial deputies, bound to obſerve the mandates of their conſtituents.

inſtructions he has received, or that he may even depart from them in points on which they are ſtrictly imperative? Every perſon authoriſed to act for another, repreſents him for whom he acts; but does it follow that, if he acts entirely oppoſite to the intention declared in the powers given to him, theſe acts are valid, and that the perſon repreſented is bound to ratify them, without examination, or execute them without ratification? If theſe conſequences are abſurd; if every Sovereign poſſeſſes an undoubted right to aſſent to, or diſavow, what his repreſentative has done, and every individual poſſeſſes the ſame right to ratify, or not ratify, the ſtipulations of the perſon he has empowered to act for him; ſhall not the Nation, in which the plenitude of ſovereignty reſides, likewiſe poſſeſs this right? Can it be ſuppoſed that, when it elected repreſentatives, it meant to create itſelf maſters? Can it be admitted that the organs of the general will can ſubſtitute for it their perſonal will, and render that abſolute, independent, and ſuperior to all reviſion? Would not this be a ſubverſion of all ideas, and a direct oppoſition to thoſe of the legiſlative philoſopher whom our legiſlators appear to have made their oracle? He obſerves, "that the ſovereignty of the Nation can "never be repreſented, from the ſame reaſon that "it can never be alienated. It eſſentially conſiſts "in the general will, and the will is not repre-"ſented; it is the ſame, or it is different; there "is no medium. The deputies of the people, "therefore,

" therefore, neither are, nor can be, their repre-
" ſentatives; they are only their commiſſioners;
" they can conclude nothing definitively. Every
" law which the people has not ratified, is null and
" void: it is not a law."

The conſequence which Rouſſeau derives from a principle that is inconteſtable muſt appear extravagant, if it is applied to every kind of laws, and to governments which are not purely democratical; but the ſyſtem according to which the repreſentatives of the people may render themſelves independent of the people, is, with reſpect to every kind of government, ſtill more diſtant from the truth. The fact is, that, in States in which the people have repreſentatives, we muſt diſtinguiſh repreſentation relative to fundamental and inſtitutive laws, from that which only has reſpect to ſubſequent and regulative laws. With regard to the former, Rouſſeau was in the right, when he ſaid that there could only exiſt a repreſentation improperly ſo called, always dependent on the conditions which the Nation had annexed to it, and ſubject to the ratification of the Nation; but, with reſpect to the latter, we ſhould be in the wrong to conteſt with the Legiſlative Body, once acknowledged by the people, the free exerciſe of the legiſlative power, which ought to be confided to it, without reſtriction, for all particular objects. This diſtinction, very eſſential in my opinion, between what conſtitutes the government and what

is done in the government, has not been ſufficiently obſerved, either by thoſe who contend that the functions of an Aſſembly repreſenting the Nation can never be circumſcribed by imperative mandates, or by thoſe who maintain, on the contrary, that it always ought to be ſubordinate to them. I ſhall clearly ſhew, before I conclude this article, that both are in an error; and that the caſe in which the repreſentative function is circumſcribed in its power, is preciſely that in which it has been wiſhed to transform it into an abſolute and unlimited power.

The other aſſertions are not better founded, and, far from tending to ſupport the theſis which I combat, may be turned againſt it with advantage.

In the firſt place, it is puerile to argue, from the words *regeneration of the kingdom*, which are found in ſome of the Inſtructions, and perhaps alſo have been uſed by the King, that the King and the Inſtructions, when they employed this metaphorical expreſſion, meant that the Aſſembly was empowered entirely to overturn the Monarchy, and create an abſolutely new form of government. *To regenerate* is a term of religion, which, far from conveying the idea of a univerſal deſtruction, announces only a ſalutary vivification. Baptiſm regenerates man, by effacing the pollution with which he was defiled, and not by deſtroying his exiſtence; but, *in the ſenſe of the Revolution*, to regenerate

generate is to annihilate. Such an interpretation reminds us of the ſtory of the King of Theſſaly, whoſe daughters killed him, and boiled the mangled limbs of his body, fondly believing they might thus renew his youth: a Medea only could have given ſuch perfidious counſel.

But let us come to the argument which is principally relied on. It is in fact reduced to this: *The Nation has appointed us to form for it a conſtitution; it has therefore inveſted us with the neceſſary power to render that conſtitution complete and unalterable.*—Here we have again only a wilful miſunderſtanding of terms; and nothing more is neceſſary, entirely to diſſipate the quibble, but to aſcertain the ſenſe of the word *Conſtitution*. This may have two different acceptations: according to the moſt extenſive, it ſignifies the primitive eſtabliſhment of the form of government, the determination of the manner in which the public authority ought to be exerciſed; and then it can only be employed in the caſe when a Nation, forming itſelf into a political body, ſhall lay the firſt foundations of its aſſociation, and chooſe, from among the different forms of government, that which it may prefer. In the more confined acceptation, the *Conſtitution* is the concurrence of rules which the public authority eſtabliſhes, to preſerve the good order of a government already choſen, and to retain all the parts within their proper limits.

It is certainly not under the firſt point of view that you have been commiſſioned to give a conſtitution to France: there is not the ſlighteſt ſhadow of reaſon for ſuch a pretence, ſince the Nation, from which you derive your miſſion, had not formed a new aſſociation; ſince it was not without a Head, nor intended to chooſe from among the different forms of government; and, even ſuppoſing that it had ſuch an intention, it would be neither true nor poſſible, that it ſhould rely on its Deputies for this choice, the power of making which can only appertain to itſelf, and can never be delegated. You muſt therefore grant that the Nation has only confided to you the care of putting in order the conſtitution of the State; taking the term in the reſtrained ſignification, according to which it only means the aggregate of the general laws, which have for their object, not to create, but to regulate; not to change the foundations, but to remove whatever may injure them; not to form a new government, but to fix, in ſuch or ſuch a compartment of the exiſting government, the rights and duties of thoſe who govern, and the rights and duties of thoſe who are governed. This is all that the Nation had in view; in this ſenſe alone has it appointed you to perfect, to *regenerate*, if you chooſe the term, the conſtitution, by eſtabliſhing it on foundations not to be ſhaken, but without paſſing the circle it has itſelf traced around you. Your power, therefore, is limited, by the very nature of your miſſion, by its object,

by

by the expreſs conditions which have been annexed to it. Theſe conditions, which do not permit you to change the eſſence of the govenment, are ſo inſeparable from your conſtituent function, that, if you do not obſerve them, you loſe it; for, as Rouſſeau has ſaid, "to violate the act "by which we exiſt, is to annihilate ourſelves; "and what is nothing, can produce nothing."*

By this very ſimple, and, in my opinion, very clear explanation, all your ſophiſms, and ſubtilties on words, diſappear. Of little importance is it whether you are conſtituted in one reſpect, and conſtituent in another: it will ſtill be true that a deputy, when he exceeds his powers, is nothing, and is capable of nothing; and that conſequently all you have done of an anti-monarchical tendency, all that in your decrees directly oppoſes the fundamental principles the preſervation of which the Inſtructions have unanimouſly recommended, is rendered void by a radical nullity, which no perplexity of ſtyle, no metaphyſical obſcurity, can conceal.

The diſtance, doubtleſs, is very great between the nullity you have incurred, and the immutability at which you aim; but, as I do not pretend to aſſert that all the Aſſembly has done is equally

* *Contrat Social*, book 1. chap. 7.

null and void in itſelf; ſince, on the contrary, I admit that it has made many regulations conformable to the national wiſh, and to the beneficent intentions of the King, and which, if they did not make part of a whole ill-ſuited to the preſent ſituation of the kingdom, incongruous to its manners, and incompatible with is government, would certainly merit to be ſecured from any alteration. I think it neceſſary, relatively to theſe, to conſider how far, and under what point of view, the interdiction on future Aſſemblies from making any change in the conſtitutional regulations of the preſent may be admitted.

I ſhall not be ſo rigid as thoſe who ſee in this interdiction an abſurd and impracticable claim, a uſurpation injurious to the rights of the whole Nation, and an attack on its ſovereignty. I ſhall not ſay, with the Abbé Maury, that "the Legiſlatures which ſhall ſucceed the Aſſembly ought "to have the ſame power as it poſſeſſes; and that, "to attempt previouſly to lay a reſtraint on the "authority of the Legiſlative Body, is to be an "enemy to the liberty of the French Nation." This is going to the extreme; and extremes in propoſitions depart as far from the truth, as extremes in regulations from utility, and extremes in actions from real good. Nothing has been more miſtaken in the Aſſembly than this maxim of a juſt medium, which legiſlators, and ſtill more adminiſtrators of governments, ought to have continually

tinually before their eyes. At preſent every thing is abſolute both in theory and reſolutions. We have abſolute equality, abſolute liberty, abſolute principles on the aſcertaining and limiting of powers, abſolute reformation of all abuſes, abſolute uniformity between all parts of the kingdom, and abſolute deſtruction of every thing exiſting.—Yet what is thus abſolute and unqualified, is neither good in the form or adminiſtration of government. A firſt fervor of ideas inclines us to find every thing defective, and to wiſh that all was perfect; but, with more reflexion and information, we become leſs poſitive, leſs prone to cenſure, and learn that, to govern men, it is neceſſary to conſider them ſuch as they are, and not ſuch as they ought to be. Ill fated is that empire which is abandoned to the heated ſpeculations of thoſe innovators, thoſe creators of a Utopia, who imagine they can ſubject the paſſions of men to the dreams of their imagination; who know not that the greateſt of abuſes is to pretend to effect a univerſal reformation; and who are ignorant that, in morals as in phyſics, nothing is ſalutary and ſuitable to our nature, but what is wiſely attempered. The National Aſſembly, always diſregarding moderation, has diſdained to proceed gradually in its operations. It has not conſidered that it is more eaſy to advance than to retreat; and it will perceive too late that, of all the modes of failing of its aim, that of overſhooting it is the leaſt reparable. If I were to inſcribe a characteriſtic motto on the gate of the Hall

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in which it hold its ſittings, I would only write theſe words: IT HAS BEEN MODERATE IN NOTHING.

I return to the propoſition which has led me to this obſervation, applicable to every part of my ſubject; and, as I wiſh to preſerve in my opinions the ſpirit of moderation by which I endeavour to render them juſt, I affirm that there is no reaſon to cenſure the preſent Aſſembly for wiſhing that there ſhould be a difference between itſelf and the Aſſemblies which ſhall ſucceed it. I aſſert that it is in the right to maintain *that, if each of the Legiſlatures were authoriſed to change the conſtitutional articles, this inſtability muſt quickly annihilate the conſtitution; and that to have a conſtitution ſubject to perpetual variations, is, in fact, to have no conſtitution.* I am not, however, the leſs perſuaded that the Nation cannot, as the eloquent Abbé has ſaid, *be diſinherited of the right of judging, correcting, and improving the work of its deputies:* and thus I reconcile theſe two truths.

An Aſſembly charged to found the eſtabliſhment of a conſtitution, that is to ſay, as I have explained above, to compile the conſtitutional code of the French monarchy, has certainly a miſſion which all the ſubſequent Aſſemblies cannot have, to whom this code, as ſoon as its authenticity ſhall have been acknowledged in the manner neceſſary, muſt be the fixed and immutable hinge

of

of all the particular details of legiſlation in which they ſhall be occupied.

But it is preciſely this difference of functions, it is this ſtability requiſite to the conſtitutional code, which ſubjects the decrees of the conſtituent Aſſembly to the reviſion and ratification of the Nation; it alſo renders the imperative mandates neceſſary with reſpect to this Aſſembly, and unneceſſary to the ordinary Aſſemblies.

In fact, when the ſubject in queſtion is to regulate the order and motion of all the elementary parts of the Body Politic, to diſtribute the powers which are to cauſe its action, to meaſure them, to balance them, to trace out the lines of demarcation by which they are to be ſeparated, it is evident that the Nation itſelf alone can decide definitively, in like manner as that alone could previouſly lay the foundations of this great work. And ſuch a deciſion it has made, by the according reſult of the declarations of five hundred electoral aſſemblies, the union of which certainly formed the collective Body of the French Nation; and to this ſame collective Body it appertains to examine and determine whether its intentions have been followed, and to render the conſtitution unchangeable by an enlightened ratification.

It is not the ſame with reſpect to what future Legiſlatures will have to do. The conſtitution being

being ſuppoſed eſtabliſhed, and duly ratified, before they meet, the ſame reaſons will no longer exiſt for the deputies of which they ſhall be compoſed to be furniſhed with imperative inſtructions. The generality of the objects on which theſe Legiſlatures will have ſucceſſively to determine, will neither need nor admit of preciſe mandates; and the laws which they ſhall make not being conſtitutive, will no longer require a national reviſion.

Thus we perceive that the diſtinguiſhing title which the preſent Aſſembly claims, to free itſelf from the mandates, and arrogate an unlimited power, is preciſely that which eſtabliſhes the authority of the one, and the reſtriction of the other; we perceive, in like manner, that the juſt reaſons it has alledged, to prove that the conſtitutional articles ought to be rendered invariable, alſo prove that, before they become ſo, they ought to be ratified. I ſhall therefore frame my anſwer in the terms of the objections, and I ſay to the Aſſembly: It is becauſe, under one point of view, you are conſtituent, that, under this ſame point of view, you owe obedience to the mandates; it is becauſe it is neceſſary that the conſtitution ſhould be ſtable, that what it has pleaſed you to create ſhould be reveiwed, and compared with that which the Nation had itſelf deſigned. Can you compel it blindly to accept as its work, what is evidently contradictory to the plan it had traced out for you? Its firſt wiſh was tranſmitted in the Inſtructions;

tions; can you ſuppoſe that it now has another, though there is no proof that it has changed its will?

But the innumerable addreſſes of concurrence and congratulation, ſent from every part of France—but the civic oath—but that national federation, celebrated with ſuch ſolemnity throughout the whole kingdom—are not theſe, ſay you, ſignal and indiſputable teſtimonies of general approbation? Are not theſe the only ratification that can be required? Are not theſe a ſufficient proof that the French Nation has renounced thoſe feeble and reſtrained wiſhes which are ſtill tinctured with their former ſlavery, to adopt thoſe which we have judged more worthy of a people who have again recovered their liberty?

You are now arrived at your laſt entrenchment. Behind theſe piles of compliments, theſe accumulations of forms of oaths, you imagine your decrees will be inacceſſible to all criticiſm, examination, or correction. From the height of this rampart, you exclaim to the French Nation: Proſtrate yourſelves, with cloſed eyes, before the laws which we have made for you. You have ſworn, without knowing what they are, to maintain them to the utmoſt of your power, and you will not break your oath: it is not permitted you to touch this immortal code, which our hand has engraven in indelible characters, as Moſes inſcribed

ſcribed on the tables of braſs the law which the Almighty dedicated to him on Mount Sinai.

But your ramparts and your laws are equally frail and periſhable; and as, in the preſence of the Ark, the ſound only of ſome trumpets was ſufficient to make the walls of Jericho fall, my voice, in the preſence of Truth, my feeble voice ſhall be ſufficient to overthrow your chimerical bulwarks. You erect them on the congratulations and approbatory acts which have been addreſſed to you. You dare to affirm that all France applauds you, and is perfectly ſatisfied with your proceedings; while all France is more wretched, more exhauſted, and more impoveriſhed, than it ever before was, or, but for you, ever could have been! When every day diſcovers new crimes occaſioned by your fatal dogmas; when the citizens, miſled by your ſyſtems, mutually hate and maſſacre each other, without knowing why; when you have ruined all who poſſeſſed property without advantage to any one; ruined commerce, without opening any other reſource; ruined the public revenue, without relieving the people; in fine, when the diſorders of anarchy, which have filled the kingdom with dread and horrors, have increaſed to ſuch an exceſs, that even the perverſe minds who have occaſioned them, ſhudder at beholding them; you would perſuade yourſelves that the Nation is ſatisfied, that you have fulfilled its wiſhes, and that it would be ſorry, ſhould another order of things

things remove the evils its ſuffers, and prevent thoſe by which it is menaced.

Of what importance, beſides, are thoſe addreſſes of the Municipalities, which are only the tributes of gratitude which creatures pay to their creator? Can you ſuppoſe it poſſible to perſuade us that the general ſentiments of the Nation are conveyed in thoſe adulatory repetitions of approbation without examination, ſome obtained by ſurpriſe from ignorance, others extorted from fear; theſe dictated by fanaticiſm, thoſe inſpired by the hope of preſerving an exiſtence, the ſecurity of which ſeems to depend on an attachment to the decrees of the Aſſembly. Such concurrences, however multiplied they may be, can be of no value; and they have ſtill leſs, ſince it appears certain that, at the ſame time that they are oſtentatiouſly diſplayed, the remonſtrances and complaints which arrive from every quarter are carefully ſuppreſſed *.

Neither the civic oath, deviſed in the month of February, nor the pompous federation of the 14th

* The Viſcount de Mirabeau has declared to the Aſſembly itſelf, that, when he was Secretary, he perceived that a great number of remonſtrances had been withdrawn and ſuppreſſed. M. Malouet has likewiſe told the Aſſembly, *that it admitted only homages, while, without its doors, grief and deſpair every where reigned.*

14th of July, by which it was endeavoured to give it additional force, can take place of that national ratification which I have proved to be neceſſary. I ſhall hereafter analyſe this inſignificant civic oath, which only obliges thoſe who have taken it to maintain the conſtitution when there ſhall be one, but which cannot bind any perſon to defend a creature of the imagination. The magnificent and expenſive, no leſs than uſeleſs ceremony, in the midſt of which this oath was taken, or rather reiterated, by thirty thouſand deputies of the civil and military army, has not rendered more preciſe, nor more efficacious, an engagement in itſelf moſt vague. Is it then neceſſary to ſwear ſo often to a legitimate duty? And what force can this accumulation of oaths, neceſſarily ſubordinate to the intereſt of the Nation, have againſt the Nation?—Is what is attributed to the Nation on ſimple preſumptions, ſufficient to authoriſe us to ſay that it has departed from the declarations it had previouſly made by ſolemn acts?

It will not be poſſible to perſuade us that the Nation cannot make known its determination in any other manner. There is, certainly, one more authentic, more to be confided in, and, in fact, the only legal one, which is a new convocation of the Aſſemblies from which the preſent Aſſembly holds its powers. Theſe drew up the Inſtructions: to them therefore it appertains to determine whether their Deputies have acted conformably to them,

them, or whether they have acted right in departing from them. They have declared that the government of France ſhould continue monarchical: an expreſs renunciation of this reſolution is therefore neceſſary on their part, before another government can be introduced into France. They have fixed the foundations on which they have directed their deputies to place the Conſtitution of the State; they have made them ſwear to maintain it: it therefore appertains to them alone to examine whether this command has been executed, whether this oath has been faithfully obſerved; and, ſhould the contrary be the caſe, they alone can render valid, by a new national wiſh, what muſt be null by its contravention to the former; they alone can relieve from the obligation which they alone could impoſe, according to that maxim of law, that engagements can only be diſſolved in the ſame manner as they have been contracted—*Res eodem modo diſſolvuntur quo colligatæ ſunt.*

It may, perhaps, be thought that Aſſemblies convoked, in the name of the King, by Bailiwicks, and in which the diſtinction of Orders was obſerved, are no longer ſuited to the preſent ſtate of France; and that it would be preferable that the deliberations which ſhould have for their object the reviſal, ratification, or rectification of the Conſtitution, ſhould be held in other aſſemblies, which ſhould be compoſed conformably to the decrees of

the 22d of December 1789. But I have juſt ſhewn that ſuch a plan is oppoſed by the principles of law and right; and even thoſe of good ſenſe will not permit us to believe that the acts of deputies can be abrogated or confirmed except by thoſe from whom they received their commiſſion: and, beſides, it is evident that to ſubject the decrees of the preſent Aſſembly to the reviſion of aſſemblies which it has created, would be to prejudge the matter in queſtion, and to ſuppoſe an operation definitive, which can only be conſidered as proviſional, until it ſhall have received the formal approbation of the Nation.

The provinces united to France have been ſo on conditions which form their public law, and of which the inviolable obſervance, whether it may have been ſtipulated by their capitulations, or promiſed by ſolemn charters, is founded on a ſynallagmatic compact between them and the ſovereign power: the obligation being reciprocal, the ſovereign power has no more right to depart from it, than the provinces have to break their oath of obedience. That ſome diſparities in the adminiſtration, ſome incongruities embarraſſing to Government, and even ſome oppoſitions of particular intereſts to the general intereſt, have been the reſult of this ſyſtem, cannot be doubted; and, conſequently, to have wiſhed and endeavoured to eſtabliſh a greater uniformity was, as I have already acknowledged, very commendable; but that to attain

attain this end it was adviſable to annull, in a moment, all the rights and diſtinctive titles of the provinces, and ſubſtitute for them a new diviſion of the kingdom into geometrical ſquares, without any regard to local differences, is at leaſt very doubtful; nor can any perſon, in my opinion, warrant that ſuch a plan can ſucceed in practice: but, however this may be, it cannot be denied that the conſent of the provinces intereſted is indiſpenſably neceſſary to render this innovation with reſpect to their rights legal and ſolid; nor can their conſent be diſpenſed with, without manifeſt injuſtice, and incurring the riſk of giving birth to the moſt fatal diviſions.

But, for the provinces to conſent, it will be neceſſary that they ſhould deliberate, according to their accuſtomed forms. To renounce their ancient exiſtence, they muſt at leaſt exiſt during the examination of the expediency of ſuch a renunciation; and it would be ridiculous to make the departments which are to be ſubſtituted in their places, the judges whether ſuch a ſubſtitution be expedient.

It is neceſſary, therefore, once more to recur to the primitive repreſentation of the provinces, and of the whole Nation; to that which reſides in the Aſſemblies by Bailiwicks, which have conſtituted, commiſſioned, and founded the power of the preſent Aſſembly. Theſe aſſemblies may be eaſily convoked in the ſame manner as they were in 1789. The inconvenience with reſpect to the

diſtinction of Orders might be avoided, ſince it would not be neceſſary to obſerve ſuch a diſtinction; and the repreſentatives of all the States might meet in one ſingle aſſembly, for each Bailiwick, to form one common determination; which would reduce the number of the aſſemblies to one hundred and eighty-eight, inſtead of more than five hundred, to which they amounted when the Orders voted ſeparately. In fine, theſe aſſemblies would repreſent the whole Nation, and would form, by their union, the collective body, in a manner more perfect, and more adequate, than thoſe from which popular fury, and the fear they have inſpired, have excluded, or compelled to fly, the Eccleſiaſtics, the Nobles, the principal men of property, and, in a word, the greater part of the citizens moſt deſerving eſteem, and moſt capable of reaſoning on what concerns the intereſt of the Nation.

Every ſtep that we take in the examination of the pretended Conſtitution, we diſcover not only new reaſons which prevent us from attributing to it immutability, but alſo new proofs that its execution is as impracticable under any form of government, and as impolitic under every point of view, as it is incompatible with the principles of a monarchy. Of this I have been more and more convinced, in attentively reading the grand Decree on the new diviſion of the kingdom, and the conſtitution of the *primary*, *electoral*, and *adminiſtrative* aſſemblies. In the analyſis which I have made

made of the ſections of which this decree is compoſed, I have been ſingularly ſtruck with an object which appeared to me to have eſcaped the attention of the public, and alſo that of thoſe who drew up the decree. This object ſeemed to me of ſo great importance, that, having finiſhed the diſcuſſion of the queſtion concerning the unlimited powers which the Aſſembly attributes to itſelf, and the ſeal of invariability which it pretends to affix to its conſtitutional decrees, I ſhall now proceed, before I conclude this work, to give, in a particular article, the reflexions which have occurred to me on the manner in which the decree of the 22d of December 1789, combined with other poſterior decrees, eſpecially with that of the 6th of this month (October, 1790), regulates the compoſition, functions, and permanent activity of the repreſentative aſſemblies which are to have place in the different departments of the kingdom.

What are we to think of the perpetual Eſtabliſhment of eighty-three Aſſemblies, each compoſed of more than ſix hundred Citizens, intruſted with the choice of the ſupreme Legiſlators, the choice of the provincial Adminiſtrators, the choice of the Judges, the choice of the principal Miniſters of religious worſhip, and, conſequently, poſſeſſing the power of acting at all times, and whenever they think proper?

The fact which gives occaſion to this queſtion might appear imaginary, had I not ſtated it accu-

rately, and in the preciſe words employed in the verbal proceſſes of the Aſſembly. The decree of the 22d of December laſt (1789) contains a complete regulation of the new diviſion of the kingdom, and of the conſtitution of the different aſſemblies that are to have place in it.

In the month of Auguſt, 1786, I had propoſed to the King to eſtabliſh, throughout the whole kingdom, " a ſucceſſive gradation of aſſemblies of " pariſhes, aſſemblies of diſtricts, and aſſemblies " of provinces, deſtined to make known the na- " tional wiſh, and tranſmit it, by the connected " ſeries of their reports, from the country com- " munities to the Throne*." In one of the Memoirs which I preſented, in the year following, to the Aſſembly of the Notables, " I endeavoured " to trace out a plan of the compoſition and the " functions of theſe three kinds of aſſemblies, ele- " mentary the one of the other, each of which " ſhould be able to inform itſelf of every thing " more immediately relative to its intereſts, and " communicate information to the Aſſembly next " above it†." It appears that the ground-work of this idea has been adopted by the National Aſ-

ſembly,

* Theſe are the words of the Paper I then gave in to the King. See page 87 of the Juſtificatory Pieces, printed at the end of my Anſwer to M. Necker.—London edition, 4to.

† See the firſt Memoir of the Collection printed at Verſailles in 1757, pag. 4 *et ſeq.* in 4to.

ſembly, which has, in like manner, eſtabliſhed three degrees of aſſemblies, throughout the kingdom; the firſt called *primary*, which it has proportioned, not to the extent of each pariſh, but to a determinate number of inhabitants; the ſecond, *aſſemblies of diſtricts*, formed, like thoſe I propoſed, by the deputies of the neighbouring towns and country; and the third, *aſſemblies of departments*, deſtined, as were the provincial aſſemblies, to the adminiſtration of each diviſion of the kingdom.

The permanence of a Legiſlative Body, all the members of which are to be renewed every two years, renders neceſſary a fourth kind of aſſemblies, the original deſtination of which is to chooſe repreſentatives for the Legiſlative Aſſembly, as alſo the members of the adminiſtration of each department, Judges, Biſhops, &c.

It is to theſe aſſemblies of electors that I call the attention of all thoſe who believe there is ſuch a ſcience as the ſcience of government, and who themſelves have ſome ſlight knowledge of its principles.

The firſt ſection of the Decree explains extremely well the formation of the aſſemblies in queſtion. After having eſtabliſhed, in the ſixteen firſt articles, the primary aſſemblies, which, compoſed of all thoſe who have the requiſite qualities to be an active citizen, will amount to the number

of about eight thouſand, for the whole kingdom *; it is ordained, by Article 17, that each of theſe aſſemblies ſhall name an elector for every hundred active citizens; and, as it is eſtimated there are nearly five millions of active citizens, there will be about fifty thouſand electors, which number, divided by the number of departments, will give eighty-three aſſemblies, of about ſix hundred perſons each.

Theſe fifty thouſand electors, choſen every two years by the primary aſſemblies, will meet only once in two years, for the election of the members of the Legiſlative Body; but as they are equally charged with the nomination of the members of each adminiſtrative Body, with that of the Judges of all the tribunals, and with that of the Biſhops, they will preſerve, for this purpoſe, their functions of electors during the courſe of two years †, and will aſſemble to exerciſe them as often as ſhall be neceſſary; ſo that they will have a continual activity, and very frequent occaſions to aſſemble.

We

* There muſt be nearly ſeven thouſand primary aſſemblies for the country, at the mean rate of ſix hundred citizens in each, and one thouſand for the great towns, in which there is only one for four thouſand ſouls.

† Article 19 of Title 14 of the Judiciary Order, decreed the 6th of this preſent month, September (1790); and Article 3 of Title 2, of the Organiſation of the Clergy.

We perceive, from theſe details, faithfully extracted from the conſtitutional decrees, that, beſides the forty-eight thouſand municipal aſſemblies, which will employ, during the whole year, nine hundred thouſand citizens, the eight thouſand primary aſſemblies, for which, every two years, five millions will be convoked, the five hundred and forty-ſeven aſſemblies of diſtricts*, which convene three thouſand; and eighty-three aſſemblies of departments, which will employ ſeven thouſand in their adminiſtration, without reckoning the ſubalterns: there will be above fifty thouſand electors, continually ready to aſſemble, and who will, in fact, aſſemble from time to time, in as many ſeſſions as there are diviſions of the kingdom—And for what purpoſe? To exerciſe the ſovereign power of the Nation; ſince they are to appoint the ſupreme legiſlators, the adminiſtrators of government, the judges, the miniſters of religion, and, conſequently, all the agents of the State, as well ſpiritual as temporal.

What monarchy, what republic, was ever ſeen like this? Where ſhall we find the State that, under ſuch a multiplication of wheels, and ſo much

* I had at firſt ſuppoſed that there would be only five hundred and ten aſſemblies of diſtricts; but, according to a later calculation, it has been declared that there will be five hundred and forty-ſeven.

much friction, has been able to maintain its original principles of motion? What order and harmony can ſubſiſt, when fifty thouſand ſovereign electors, acting on all parts of the Body Politic, by the virtually permanent impreſſion of eighty-three aſſemblies, of ſix hundred perſons each, will make the whole machine give way under their united efforts, or break it in pieces by their diſcordant motions? In vain may we ſeek, in the hiſtory of the world, the example of an organiſation ſo monſtrous, eſtabliſhed in an undivided State: it would be even ill-contrived and impracticable, were we to ſuppoſe it intended to parcel out France into eighty-three republican ſovereignties, in conſequence of the enthuſiaſtic predilection which has been conceived for the too little known, and too prematurely approved, Conſtitution of the United States of America. Is then this diſmemberment of the French Empire into as many federative States as may be produced by the convulſive ſhocks which rend it, the aim of all theſe inexplicable manœuvres? It is at leaſt very probable that it will be the effect of them; and though it is beyond a doubt that it will be, at the ſame time, the tomb in which, after a long ſucceſſion of calamities, all the glory and all the power which the monarchy has acquired during fourteen centuries will be buried, one of the moſt diſcerning members of the Aſſembly has been heard coolly to declare, that the power given to the adminiſtrative Bodies, ſooner or later, muſt lead to, and terminate

nate in, federative States*. What would he have ſaid, what ought he to have ſaid, had he conſidered the maſs, and calculated the effects, of theſe electoral Bodies, delegators of every power, and nominators to all the moſt important offices?

It is to no purpoſe to ſay that aſſemblies of electors are not aſſemblies which exerciſe functions, ſince they are conſtituent of all that have functions in the State, of all Bodies, adminiſtrative, legiſlative, or judiciary. They will be whatever they ſhall wiſh to be, ſince nothing can be done but by them, and there is nothing which is not ſubordinate to their influence. Will they not influence the laws, when, at the time they nominate the legiſlators, they ſhall think proper to intimate to them their will? Will they not influence the adminiſtration, when, being able to meet, from time to time, in the place in which the adminiſtrative aſſemblies that they ſhall have formed hold their ſittings, they will exerciſe over them the aſcendancy of ſix hundred conſtituents over thirty-ſix deputies? Will they not have influence even on the adminiſtration of juſtice, when the compoſition of the tribunals, of which the members are removable every ſix years, will entirely depend on their choice?

In

* M. Mirabeau the elder.

In whatever manner we conſider the conſequences of theſe aſſemblies of electors, it is manifeſt that, having habitually the exerciſe of the ſuffrages of the Nation, they will form, by their concurrence, the true ſtock or body of the national reſolutions; and that, regard had to the number of fifty thouſand voters, and to the virtual continuation of their activity, they will repreſent the Nation itſelf more adequately than the biennial legiſlatures which ſhall be their work. The latter, compoſed, for the future, of ſeven hundred and forty-five deputies *, will be only the ſecond degree of the repreſentation, while the aſſemblies which nominate theſe deputies will be the firſt. There will be no intermediate Body between them and the Nation, ſince they emanate directly from the primary aſſemblies, which being compoſed of the totality of the active citizens of the kingdom, that is to ſay, of all the men of mature age who pay contributions to the value of three days labour, and are not hired ſervants, really form the French Nation, properly ſo called.

Has

* According to Article 26 of the firſt Section of the Decree of the 22d of December, 1789, the number of Repreſentatives in the National Aſſembly muſt be 83 multiplied by 9, which gives for the product 747. But it is ſaid, in the third paragraph of the Inſtruction decreed on the 8th of January 1790, that the particular compoſition of the Department of Paris has cauſed this number to be reduced to 745.

Has the Aſſembly which ſtyles itſelf *National* by pre-eminence, and excluſively of every other, maturely reflected on this? Has it been aware that it erected over its head eighty-three immediate repreſentations of the collective Body, which, being more cloſely connected than itſelf with the original principle of every power, may receive from it the impulſe without any interval, and return it with a combined force, the ſhocks of which will be ſufficient to overwhelm and cruſh every thing?

What would have been thought at Rome, if, at the period when that ſuperb republic had attained to immenſe dominion, any one had ſeriouſly propoſed that, in each of the provinces ſubject to its laws, there ſhould be permanent *Comitia*, which, by the concurrence of their elections, ſhould nominate the conſuls, proconſuls, ſenators, tribunes, pontiffs, augurs, prieſts, quæſtors, judges, and all the inſtruments of public power? Can it be ſuppoſed that ſuch a law would have been admitted by that capital of the world, which, reſerving to itſelf alone the fruits of liberty, would not have imagined it poſſible to retain in one ſingle maſs all the parts of its vaſt empire, but by their moſt abſolute ſubjection to the direct action of its central authority?

Can we believe that the Parliament of England, which we may conſider as inſtructed, by a long courſe

courſe of experience, in the combinations moſt fitted to maintain the free action of all the different parts of the State without injuring the coheſion of its power, would ever be tempted to eſtabliſh, in every county of the kingdom, an aſſembly ſimilar to thoſe I have juſt deſcribed, and which ſhould poſſeſs the perpetual right of naming all the members of the legiſlative, adminiſtrative, judiciary, and eccleſiaſtical Bodies*?

Can we, in fine, believe that, if theſe aſſemblies of electors, which are to diſpoſe of every thing in France, deeply imbibing the new doctrine, and conſequently meaſuring the extent of their rights by that of their power, ſhould, one day, form determinations independent of thoſe of the legiſlature which they had conſtituted; if they ſhould refuſe their concurrence to laws which they ſhould only conſider as the work of their own work; if, having learned, in the verbal-proceſſes of the preſent Aſſembly, that it is only neceſſary to imagine they hear *the alarm-bell of Neceſſity*, to be authoriſed to conſtitute themſelves *a National Convention*,

* The aſſemblies for the election of the members of the Houſe of Commons in England, can in nothing be compared to thoſe of the French electors. They commonly take place only every ſix or ſeven years; they are confined to the temporary object of naming the members who are to compoſe one only of the three powers which form the Parliament; after which, they ceaſe, and have no other nomination. All theſe are eſſential differences.

tion, they ſhould think it expedient to aſſume alſo the title and attributes of ſuch a convention, either ſeparately, by reviving the national rights of each province, or conjointly, the whole electoral Body declaring itſelf only one Body in eighty-three ſittings—can we ſuppoſe, I ſay, that there would be any power capable of making reſiſtance to ſuch a claim? Can we even imagine that the exiſting Legiſlature could, with any plauſibility, pretend to a ſuperiority over theſe fifty thouſand immediate repreſentatives, from whom it had itſelf derived its being? And though we ſhould not ſuppoſe this general confederation of the electors of the whole kingdom, which certainly would have an irreſiſtible preponderance; though we ſhould only admit the union of ſome of the aſſemblies, the unanimity of thoſe which repreſent one or other of the great provinces united to the Crown by capitulations or national treaties; of the five, for example, which repreſent Bretagne;—what reply could be given to the declarations which thoſe five aſſemblies might make, that they cannot conceive themſelves any longer dependent on a Government which has broken the conditions of their dependence; that having, with the National Aſſembly, profoundly inveſtigated the clauſes of the ſocial compact, having diſcovered, in concurrence with that ſame Aſſembly and by the aid of its reſplendent lights, that, *in every country, the majority of the people have a right to change the exiſting government, when they are diſſatisfied with it*;

it; and convinced that what has been admitted to be true with reſpect to the inſurrection of the city of Avignon, muſt appear much more juſt in the caſe of the unanimous reſolution of three thouſand repreſentatives of a great country; authoriſed, beſides, by an example which is of a nature to produce imitators; they notify that, from that moment, they conſider themſelves as inveſted with the conſtituent power of Bretagne; that, certain of obtaining in the province as many addreſſes of concurrence and compliments as will be requiſite to conſtitute a popular ratification, they will chooſe that form of government which ſhall appear to them preferable, without prejudice to ancient connexions and that good underſtanding which their Convention of Bretagne will ever be happy to maintain with the Gallican Convention, as far as their reciprocal intereſts may permit? What ſhall prevent the other great provinces which ſurround the ancient domain of France, and have been ſucceſſively united to it, from likewiſe holding the ſame language, and acting in conſequence? With what arguments will our philoſophical legiſlators be able to oppoſe them, when they ſhall turn againſt them their own principles, and only employ in their defence the arms which they themſelves have furniſhed?

I ſeem to hear theſe men accuſe me of wiſhing to excite inteſtine diſſenſions, when I only ſhew that ſuch diſſenſions muſt be the conſequence of the

the doctrines they teach. Will they call me an incendiary, when what I have written only tends to preſerve the kingdom from the miſchievous effects with which it is menaced by their incendiary writings? Will they reproach me with wiſhing a civil war, becauſe I diſcover, with horror, the germ of it in their proceedings, in their fatal project to deſtroy the monarchy.

Can they deny the exiſtence of this project, which appears in all their words, tranſpires in all their motions, and is evidently the aim of all their enterpriſes? If they do not yet publicly avow it, they no longer diſſemble it to the more zealous of their adherents. They ſuffer it to be propoſed and urged by the moſt audacious libelliſts, and ſeem to wiſh to prepare the public for it. Before they proceed to lay the axe to the root of that ancient tree which France has been accuſtomed to contemplate with reverence, they have begun by degrading its majeſty; they have mutilated its top, broken ſucceſſively all the branches, ſilently ſapped the principal roots, cut down all the ſurrounding trunks which for ages had conſtantly defended it from the ſtorm; and ſoon, emboldened by the progreſſive ſucceſs of their efforts, they will no longer heſitate to ſtrike the final blow.

It is in order to arrive at this fatal concluſion of their ſecret deſigns, that, abuſing, as might be expected, the preponderance which the Third Eſtate

had obtained in the Aſſembly, from the effect of the double repreſentation, they have, after having annihilated the right of deliberating and voting by Orders, annihilated the Orders themſelves, and with them every thing that could counteract their democratic ſyſtems. It is with this view that, terrifying the people with imaginary dangers, kindling their rage by ſuggeſtions injurious to the throne, arming them againſt chimeras that they might put arms in their hands, and making them behold, in thoſe whom they had ever before reverenced, a confederation of enemies which they muſt inceſſantly and furiouſly combat under the fantaſtical name of the ARISTOCRACY, they have rendered odious to them the Clergy, the Nobility, the Magiſtracy, the great proprietors, and, in a word, all thoſe who are intereſted in the preſervation of the monarchical government. The baniſhment of the Princes, and perſons moſt diſtinguiſhed by their birth, their ſervices, or their riches; the burning of the houſes of the nobles; the devaſtation of property; maſſacres committed with impunity; and all the horrors of the Inquiſition; have appeared to them uſeful for the completion of a revolution which has been characteriſed by the name of the *Revolution of Fear*, and which they have reſolved ſhall retain to the end this horrid character.

It was not ſufficient for their purpoſe that they had deſtroyed all the Orders, all intermediate ranks,

ranks, and all diſtinctions that might preſerve the monarchy: there ſtill remained to the Throne three great ſupports; Religion, the firſt principle of all obedience; Juſtice, the reciprocal bond between the ſubjects to whom it is indiſpenſable, and the Monarch who owes it to his ſubjects; and the Army, the inſtrument neceſſary to the executive power to preſerve the State from foreign invaſions and domeſtic troubles. It was requiſite, therefore, that the deſtruction of religion, the ſubverſion of the courts of juſtice, and the diſſolution of the army, ſhould enter into their plan. They have attained theſe three objects, by diſgracing the miniſtry of the altars, degrading the offices of the judges, and favouring a diſregard of all ſubordination among the ſoldiery.

What muſt become of Religion, when its predominance ceaſes to be avowed by the law; when the miniſters of divine worſhip are thrown into the claſs of perſons who labour for a ſalary; when, by the confiſcation of their patrimony, which is alſo the patrimony of the poor, they are deprived of the means of gaining the affection of the people by relieving their neceſſities, and maintaining the reſpect due to the ſolemnities of the church by preſerving to them all their pomp?

What muſt become of Juſtice, when the Monarch in whoſe name it is adminiſtered has neither the choice, nor even the examination of the choice,

of thoſe who are to adminiſter it*; when functions which require the ſtudy of a whole life are confided only for a limited time; when a profeſſion which has more need than any other of reſpect, independence, and dignity, offers only an unſtable ſituation, expoſed to the caprices of the populace, and little adapted to excite the emulation of men of birth and education?

What muſt become of the Army, when the principle of military diſcipline is deſtroyed; when he who commands it is no longer obeyed; when thoſe who ſerved for a moderate pay, can eaſily ſell their loyalty at a high price; when deſertion is unpuniſhed, and even rewarded; when the troops dare to menace, inſult, and even deliver up to the fury of the populace, their officers and their generals †; when the regiments, confounded with the national

* Decree of the 7th of May, 1790.

† How many examples may unhappily be adduced! The Chevalier de Vittermont, the Major of a regiment, cruelly and dangerouſly beaten and wounded; the Viſcount de Belſunce, a Major, and the Marquis de Rully, a Colonel, maſſacred within ſight of their regiments; the Chevalier de Bauſſet, Commandant of a Fort, and the Viſcount de Voiſins, Commandant of Artillery, abandoned to the rage of a furious mob, by which they were murdered; the Marquis de Livaro, M. Albert de Rioms, M. de Grandeveſſe, inſulted, ill-treated, and expoſed to the greateſt dangers in the towns where they commanded in chief; M. de Caſtelet, nephew of M. de Suffrens, purſued, wounded, and left for dead, by the workmen employed under his orders; Commodores, and other officers of the navy, driven from their ſhips, and put in irons by their crews, &c. &c.

national guards, compoſed of tradeſmen and artiſans, are much worſe treated than they; in fine, when, for the honour of ſerving the King, which formerly acted with ſuch force in the hearts of Frenchmen, the obligation of ſerving under the municipal officers has been ſubſtituted; when, inſtead of that ancient oath by which the Franks and their brave ſucceſſors ſwore on their ſwords to be faithful to the Head of the Nation, and ſhed their blood, at his command, in the defence of their country, another unuſual oath, unheard-of in any monarchy in the world, is required; an innovation alone ſufficient to diſcover what is intended.

By this univerſal decompoſition of all the parts of the monarchy, by the ſucceſſive abolition of all the prerogatives eſſential to the Monarch, and every thing that might guard them from injury, royalty has been reduced to an empty title, in an empire where it formerly ſhone with the greateſt ſplendor, and which, being ſurrounded with powers able to give motion with a word to formidable armies, has more need than any other to maintain equivalent forces, concentrated like theirs in the hand of a ſingle Chief.

After this total ſubverſion of the government under which France has flouriſhed in the greateſt ſplendor during fourteen centuries, may we, at length, be informed what it is intended to ſubſtitute in its place? We have hitherto only ſeen

public order overturned, the national character perverted, the finances of the State plunged in ruin, and the people more wretched than they have ever before been; let us, now at leaſt, be ſhewn, in the new conſtitution of France, a form of government which may have ſome appearance of ſolidity, which may ſubſiſt without diſturbance, or which may at leaſt be capable of being defined and underſtood. In vain do I ſeek ſuch a form in the different decrees of which I have given the analyſis; I neither find any determinate deſign in the whole they compoſe, any coherence in their principles, nor any poſſibility of the application of their conſequences to any plan. A vague theory of the rights of man in the ſtate of nature, has led our legiſlators to form laws impracticable in the ſtate of man in ſociety, and eſpecially in a ſociety of twenty-ſix millions of individuals, ſcattered over a ſurface of forty thouſand ſquare leagues. After having eſtabliſhed as a principle that, when the different powers are united in one, tyranny enſues, the Aſſembly has in fact confounded them all, and has provided no means to prevent their reciprocal invaſions, by preſerving among them a conſtant equilibrium: in fine, the authority of the Head of the Nation has been ſo reduced to a mere ſhadow, and the diſtinctive characters of all the forms of government have been ſo confounded, that, to give a name to the preſent adminiſtration, the public has invented the ridiculous title of a *royal democracy*.

How

How extravagant is the anti-monarchical fanaticiſm of the authors of this abſurd ſyſtem, in which nothing is intelligible but the vain project of overturning the firſt throne in Europe! Not ſatisfied with the deadly wounds they have inflicted on their country, under the pretext of giving her freedom, they ſeem, in their raſh delirium, to wiſh to overturn all monarchy, to ſubvert all thrones, and to propagate throughout the world their hatred to the regal power. They make no ſecret of their deſigns. Their miſſionaries have gone to preach liberty and kindle the flames of revolt in the Belgic provinces. The writers in their pay continually declaim againſt the *tyrannical* ſovereignties of Germany, at the ſame time that they endeavour to make the Pruſſians aſhamed of the yoke under which they ſuppoſe them to groan. They imagine that England, formerly the rival of our power, is now only jealous of our ſuperior improvements in liberty; that ſhe envies us the glorious invention of *the Declaration of the Rights of Man*; that her foreſight is alarmed at the increaſe of power which our regeneration muſt procure us; and that ſhe feels that to equal, it is neceſſary to imitate us—whereas, were they better informed, they would know that this Nation, wiſely free, and juſtly ſatisfied with the government to which ſhe owes her proſperity, views our extravagances with deriſion, and our misfortunes with pity. Spain is eſpecially the object of their philoſophic zeal: they flatter themſelves that the

example of France, and their ſuggeſtions, have already made many proſelytes in that country; that the encouragement given to all Nations by the ſucceſs of the French Revolution will, ſooner or later, defeat the prudence of the Court of Madrid; and that monarchical power, attacked in every place where it yet remains entire, will be at length baniſhed from the earth. This is their wiſh; and, however incredible the ſucceſs of ſuch a kind of conſpiracy may appear, every thing is to be believed, every thing feared, after what has happened in France. May other Nations only behold in our example the neceſſity of avoiding the contagion! may they take effectual precautions againſt the evil by which we have ſo ſeverely ſuffered!

But we ourſelves, O my countrymen! ſhall not we endeavour to prevent the continually increaſing miſchief with which we are threatened by the conſequences of the preſent ſtate of things? Shall we not ſeek a remedy for the ills we endure, till they become incurable? And, ſince it is evident that what has cauſed the diſorder cannot remove it, ought we not to unite our wiſhes to obtain, and our efforts to effect, the change to be deſired?

THERE is no perſon but muſt be compelled to acknowledge that what has been done cannot ſubſiſt entire,

entire, and that a change in the ſtate of things is to be wiſhed. But all ideas are loſt in the difficulty of determining what ought to be ſubſtituted, in the uncertainty of the poſſibility of ſucceſs, and the fear that, by attempting to avoid the danger of anarchy, the Nation ſhould be again enſlaved in the ſhackles of Deſpotiſm. This fear it is that has made the greateſt impreſſion on all minds; and the Apoſtles of the republican ſyſtem have derived the greateſt advantages from it, to confirm their wavering proſelytes. They ſay to them:—It is to the Revolution that France owes her liberty, and it is only by maintaining the Revolution that liberty can be preſerved; it muſt be loſt, if the plan of the Revolution is departed from in a ſingle point. We have but one choice: either we muſt conſent to ſee all the abuſes of the old government revived, and others ſtill more enormous added to them; or we muſt view without alarm the inconveniences of a temporary confuſion, which muſt be followed by perfect tranquillity and happineſs.—Theſe words have a powerful effect on the greater number, who chooſe rather implicitly to believe than to exerciſe their reaſon, and who, perſuaded that this alternative is abſolutely unavoidable, prefer the dangers of an unknown futurity, the obſcurity of which permits them to hope, to the dreaded re-eſtabliſhment of a government become doubly odious from the exaggeration made of its vices.

Others,

Others, more enlightened, are fully convinced that the ſyſtem which has been followed without reſerve is too eſſentially vicious to admit of any rectification from itſelf; and that, to prevent its deteſtable progreſs, it is neceſſary to take a totally different courſe: but they know not what wiſh to form, becauſe, on whatever ſide they turn their view, the dreadful image of a civil war ſhocks their eyes, and prevents every wiſh.

It is in one or other of theſe diſpoſitions of mind that I imagine the readers of this work; and I figure to myſelf that I am arrived at that moment when, convinced of the truths which I have endeavoured to render manifeſt, each of them ſays: It is evident that the preſent ſtate of things is inſupportable;—but what ought to be done? what can be done? How is it poſſible to avoid the danger of extremes, and the violence of a new concuſſion?

I ſhall not reply, that, ſince there can be no condition worſe than that in which we at preſent are, we ought to endeavour to deliver ourſelves from it at any coſt whatever; and that any means of preſerving us from anarchy ought to be leſs dreaded than the evil of ſubmitting to it. No; there is nothing ſo deſperate in what I ſhall propoſe, becauſe I am not actuated by the ſpirit of party; and I ſhould never have increaſed the number of publications, already too numerous, if I had not hoped to conciliate, or at leaſt to render more

more ſimilar, the wiſhes of all parties, and fix thoſe of the rational citizens who have a ſincere affection for good order, who know its value, and who are convinced that without it there can be no tranquillity.

Frenchmen! your fate, and the fate of your Nation, is depending—refuſe me not your attention.

If, on the day when the Aſſembly of your Repreſentatives firſt met, the King had thus addreſſed them: *I have ſeen all the Inſtructions which the elective Aſſemblies, convoked by me, in the manner moſt favourable to the people, have drawn up, to guide you in your deliberations; I approve of all their principles; I will ſanction all the general laws which are unanimouſly demanded by thoſe Inſtructions; I grant every thing, I conſent to every thing; my ſole wiſh is that my people may be contented and happy*—would not the whole Nation have applauded with tranſport ſuch a ſpeech; and would not the object of the Aſſembly have been perfectly fulfilled, without leaving the ſmalleſt pretext for any doubts or difficulties?

This conceſſion, which would then have ſatisfied the wiſhes of the whole Nation, I now propoſe to realize. Far from entertaining any opinion oppoſite to the national wiſh, as expreſſed in the Inſtructions given to the Deputies, I think the moſt eligible plan that can now be purſued would be

to

to conform to them in all points, and to reject whatever is contrary to them. I will add, with reſpect to the determinations not recommended in theſe Inſtructions, but at the ſame time not incompatible with them, that, if they are acknowledged to be of utility, they ought to be maintained and ratified.

Thus my opinion, which I may call the general opinion, ſince it has for its foundation that of all the Bailiwicks, all the Seneſchalties, all the *Pays d'Etat*, in a word, that of all the elective aſſemblies of the kingdom, turns on three propoſitions.

1ſt, All the regulations which are agreeable to the demands of the national Inſtructions are to be maintained.

2d, Thoſe which are additional to the contents of the Inſtructions are to be reviſed, and, if approved, ratified.

3d, Thoſe which are contrary to the greater part of the Inſtructions of all the Orders, in what relates to the Conſtitution, and which are incompatible with the principles that have been laid down as fundamental and inviolable, are to be annulled, and are indeed already abſolutely null and void.

By

By admitting theſe three truths, which it appears to me impoſſible to diſpute, every ſubject of contention may be removed, a good conſtitution eſtabliſhed on ſolid foundations, and France regenerated without being rent and diſmembered. Of this I am fully convinced, and flatter myſelf I ſhall be able to convince every one who is not obſtinately determined to wiſh what is impracticable, and reject without examination what may be uſeful. May I not be permitted to hope that a ſubject ſo important to the happineſs of all, may appear worthy to fix the attention even of the moſt fickle and volatile minds?

The Inſtructions agree in declaring and eſtabliſhing, as the foundations of the Conſtitution*,

1ſt, That the Catholic Religion is the only *predominant religion*, and the only one which has a public worſhip, in France. — Not decreed, though propoſed.

2d, That, nevertheleſs, *civil toleration* ought to be allowed; and that the *Non-Catholics* ought to be reinſtated in their rights of property, and their privileges as citizens. — Decreed.

3d,

* All that follows is accurately the ſubſtance of the Inſtructions, and principally thoſe of the Third Eſtate.

3d, That the French government is truly monarchical, and ought to continue ſuch.

Decreed, as to the principle, but contradicted in all its conſequences.

4th, That the crown is hereditary, from male to male, according to the order of primogeniture; *that the perſon of the King is inviolable*; and that, ſhould there be a failure of all the branches of the Royal Family, the Nation ſhall re-enter on its right of chooſing him whom it ſhall judge moſt worthy to reign over it.

Decreed, but ſhamefully broken with impunity, in what relates to the inviolability of the perſon of the King.

5th, That the States-General alone ſhall provide for the eſtabliſhment of a Regency, in all caſes when it may be neceſſary.

Decreed.

6th, That the legiſlative power appertains to the Nation, and ought to be exerciſed by its Repreſentatives, *conjointly with its Head.*

Decreed, as to the principle; but violated, as to the mode, by the excluſion of the co-operation of the Head of the Nation.

7th, That the Law is the expreſſion of the will of the Nation, *ſanctioned by the will of the King.*

Decreed, but rendered abſolutely illuſory, with regard to the ſanction of the King.

8th, That to the King *alone*, as *Sovereign Adminiſtrator*, appertains the plenitude of the executive power.

Decreed, but in fact contradicted in every point.

9th,

9th, That the judiciary power ſhall be exerciſed *in the name of the King*, by Judges who ſhall not, in any caſe, participate in, or oppoſe, the legiſlative acts; and whoſe functions ſhall be independent of every act of the executive power.

Decreed, but underſtood in a manner which degrades the name of the King.

10th, That the limits of the different powers ſhall be clearly aſcertained, and *in ſuch a manner that thoſe powers ſhall never be confounded.*

Decreed, but annulled by a ſyſtem productive of a confuſion of powers, and continually tranſgreſſed.

11th, That perſonal liberty ſhall be ſecured from all illegal orders, and *from all attack.*

Decreed, but violated by the Aſſembly itſelf, and under its eye.

12th, That mainmort, and all other *perſonal* ſervices, ſhall be aboliſhed.

Decreed, but extended to other ſuppreſſions of proprietary rights.

13th, That the preſs ſhall be free, excepting *the reſtraints neceſſary to preſerve public order.*

Decreed, but very arbitrarily obſerved.

14th, That the liberty of correſpondence by letter ſhall be equally reſpected, and that the ſecrecy of letters *ſhall not be violated.*

Decreed, but publicly infringed.

15th, That the Miniſters of the King ſhall be reſponſible to the Nation.

Decreed, but with the abſurdity of interfering in the choice of Miniſters.

16th,

16th, That the right of property is ſacred; and that *no* citizen ſhall be deprived of *any* portion *whatever* of his property, *not even to promote the public intereſt*, without a *juſt* and prompt indemnification.

Decreed, but at the ſame time violated in the extreme, by decrees the moſt injurious to the rights of property.

17th, That no tax ſhall be levied, nor any loan engaged in, without the conſent of the Nation.

Decreed.

18th, That the repreſentative Aſſembly of the Nation ſhall be renewed *periodically*, and without long intervals.

Decreed, and exceeded, by the eſtabliſhment of its permanence.

19th, That to this Aſſembly it appertains to regulate the form of its convocation, the proportion of the deputies *of the different Orders of which it ſhall be compoſed*, its entire organiſation, and its interior diſcipline.

Decreed, but contradicted by the ſuppreſſion of the different Orders.

20th, That, throughout the kingdom, there ſhall be eſtabliſhed *Provincial States*, and elective Municipalities.

Decreed, but entirely changed, by a plan which tranſpoſes the limits of the provinces, and abrogates their charters.

21ſt, That all the citizens ſhall be *equally*, and without diſtinction, *ſubject to the law, and to taxation.*

Decreed, but carried to an extreme, by an indefinite equality.

22d,

22d, That *all* ſhall be capable of arriving at eccleſiaſtical, civil, and military employments.

Decreed without reſtriction.

23d, That Nobility ſhall, for the future, only be granted as a reward for important ſervices rendered the State; and that no uſeful profeſſion ſhall be accounted derogatory to Nobility.

The reverſe decreed, by the impracticable attempt to ſuppreſs Nobility.

24th, That juſtice ſhall be gratuitous, the venality of offices of judicature aboliſhed, the choice of Judges reſerved to the King, on a preſentation made to him by the people of ſeveral proper perſons; that they ſhall not be *removed*, nor deprived, but in caſes of adjudged forfeiture.

Decreed in part, but contradicted in two eſſential points, the choice of the Judges, and their ſecurity from removal.

25th, That no citizen ſhall be proſecuted except before his natural judges; that there ſhall be ſuperior tribunals eſtabliſhed in each province; and that *no extraordinary commiſſion ſhall be iſſued.*

Decreed, but contradicted, in fact, by the eſtabliſhment of Inquiſitorial Commiſſions, and an extraordinary *Attribution* for indefinite crimes.

26th, That the diſtribution of the taxes conſented to by the Nation, ſhall be made by the provincial States, proportionably among all the contributaries, without exception; and that the amount of their produce, the account of the manner in which

Decreed.

they have been employed, and a ſtatement of the expences of the State, ſhall be annually made public, by being printed.

27th, That the expences of all the departments ſhall be fixed by each Aſſembly of the States-General. — Decreed.

28th, That the public debt, verified and acknowledged by the States-General, ſhall be a national debt, and *diſcharged by real payments.* — Decreed, but the debt augmented, and not diſcharged by real payments.

29th, That *no paper-money* ſhall be iſſued.* — The contrary decreed.

30th, That the King, as eſſentially the depoſitary of the executive power, and ſupreme Head of the Nation, ſhall have the command of all the forces by ſea and land; that he ſhall be charged *to provide for the defence of the kingdom*; and that, in conſequence, he ſhall poſſeſs *the right of making war and peace.*† — Openly contradicted in what relates to the right of making peace and war.

31ſt,

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* The introduction of paper-money is not forbidden by all the Inſtructions, but it is by the greater number, and eſpecially by thoſe of the Third Eſtate.

† This right is expreſsly acknowledged to appertain to the King by all thoſe Inſtructions in which it is mentioned; it is contradicted

31ſt, That the army ſhall only be employed for the defence of the State, and not againſt the citizens, except in caſes provided for by a poſitive law, or againſt rebels proſcribed by the Nation. — Decreed.

32d, That the diſpoſal of *employments and military preferments*, as alſo of all public employments, and *the principal places in adminiſtration*, ſhall continue to appertain to the King, who is, and ever ought to be, *the fountain of all favours, diſtinctions, and honours, in the kingdom.* — Greatly contradicted.

33d, That no military officer ſhall be deprived of his employment, without a previous trial and conviction. — Decreed.

All theſe articles are fundamental, and ſtrictly conſtitutional: thoſe which follow, are dependent on, and acceſſory to them, and equally intereſt the whole Nation, viz.

34th, The abolition of the *Concordat*, and eccleſiaſtical *Annates.** — Decreed.

contradicted in none: and, though all had been ſilent on the ſubject, this ſilence would have been equivalent to the confirmation of a right the immemorial poſſeſſion of which has never been conteſted.

* Firſt-fruits paid to the Pope. T.

35th, The interdiction of the plurality of benefices, and the ſuppreſſion of uſeleſs benefices.	Prevented, by the abolition of benefices, and the ſeizure of the property of the Clergy.
36th, The obligation to eccleſiaſtical reſidence.	Decreed.
37th, The improvement of the incomes of the Curates (or pariſh prieſts).	Decreed.
38th, The *reduction* of the number of religious houſes, and the endowment of ſuch mendicant Orders as ſhall be adjudged of utility.	Contradicted, by the entire deſtruction of the religious Orders.
39th, The *regulations* to be made relative *to tithes*, with a view *of alleviating the burdens of the people.*	Doubly contradicted, both becauſe *regulation* excludes ſuppreſſion, and becauſe this ſuppreſſion, far from alleviating the burdens of the people, loads them with ſtill heavier.
40th, The re-eſtabliſhment of national and provincial Councils.	Not admitted.
41ſt, The obligation on the Judges to give their opinions *viva voce*, and to *give the motives of their judgements*, as well in civil as in criminal caſes.	Decreed.

42d,

42d, The reformation of the civil code, and the eſtabliſhment of a Commiſſion for the new modelling of the laws and cuſtoms.	Decreed, but not finiſhed.
43d, The reformation of the *criminal code*; that the proceedings ſhall be public, counſel granted to the accuſed, the penal laws rendered milder, and puniſhments uniformly inflicted without diſtinction of rank.	Decreed.
44th, The ſuppreſſion of *ſeigneurial juriſdictions*, and the inſtitution of *juſtices of peace* in the country.	Decreed.
45th, The ſuppreſſion of the right of *franc-fief*, and *the liberty of redeeming* the feudal rights.	Decreed, and exceeded by ſeveral ſuppreſſions without compenſation.
46th, The ſuppreſſion of *Capitaineries* *, and *a regulation of the game-laws*.	Decreed, and carried to the extreme, with reſpect to the ſecond article.
47th, *Regulations* relative to dove-cotes and pigeon-houſes.	Decreed, in the ſenſe of ſuppreſſion rather than regulation.
48th, The diviſion of too great farms.	Decreed.

* The juriſdictions of Foreſters, and Officers of the Chace. T.

49th, The preſervation of commons.	Decreed.
50th, The ſuppreſſion of the *Corvée*.	Decreed.
51ſt, The converſion of ſervice in the Militia into a pecuniary payment.	Decreed.
52d, The liberty of commerce in corn, abſolute as to interior circulation, and ſubject to ſuch reſtraints as the Provincial States ſhall judge proper, relative to exportation.	Decreed.
53d, The abolition of all duties on grain, and markets; of all kinds of *péage* *, *tonlieu* †, and other ſimilar duties, *providing indemnifications*.	Decreed, but not obſerved with reſpect to many indemnifications.
54th, The deſtruction of every ſhackle injurious to commerce, and the abolition of all duties on induſtry.	Decreed; but there is now no longer either commerce or induſtry.
55th, The ſuppreſſion of all interior cuſtom-houſes, and liberty of *tranſit* (conveyance of commodities) throughout all the kingdom.	Decreed.

56th,

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* Tolls.

† Money paid for ſtandings in markets.

56th, The ſuppreſſion of *Jurandes*, and *Brevets de Maîtriſes* (Wardenſhips, and Freedoms of Companies), *reſerving to the Corporations their police*, and regulating apprenticeſhips. — Decreed.

57th, The ſuppreſſion of letters of ſuperſedence. — Decreed.

58th, The ſuppreſſion of excluſive general privileges, with limitation of thoſe which may be granted only for *inventions*. — Decreed without reſtriction.

59th, The ſuppreſſion of the duties on leather, oil, ſoap, iron, paper, and other duties injurious to manufactures. — Decreed, and to be replaced by another tax.

60th, The abolition of the *gabelle*, and the ſubſtitution of a better regulated tax in its ſtead. — Decreed, but the ſubſtitution not yet effected.

61ſt, The ſuppreſſion of the taxes called *aides*, with a ſubſtitution of others in their ſtead. — Not yet determined.

62d, The reformation and *reduction, according to a ſettled tariff*, of the duties of the hundredth penny, and other domanial duties, vexatious and arbitrary in their collection. — Decreed in part, but not relative to the hundredth penny.

63d, *The converſion of the Taille* into a real impoſt on all landed property without diſtinction.	Announced.
64th, The ſimplification of the collection of every tax, and the ſuppreſſion of companies of finance.	Decreed.
65th, The reduction of gifts and penſions.	Decreed, and carried to an extreme.
66th, The eſtabliſhment of *caiſſes nationales* (national banks or funds) and *caiſſes d'amortiſſement* (ſinking funds).	Decreed as to the *caiſſes nationales*; but nothing ſettled relative to the *caiſſes d'amortiſſement*.
67th, The alienation of the domains of the Crown, *ſo far as ſhall be neceſſary* to the liquidation of the national debt.	Decreed without reſerve.
68th, The ſuppreſſion of *Maîtriſes des eaux & forêts*.	Decreed.
69th, The ſuppreſſion of lotteries, and regulations to be adopted for the *Monts de Piété*.*	Expected.
70th, That the ſtandard, weight, and value of money, ſhall be invariably fixed, and no alteration made in them, without the conſent of the Nation.	Item.

71ſt,

* Public offices for lending money on pledges. T.

71ſt, The ſtability of the military code, ſecured by the national ſanction.	Item.
72d, The abolition of flat blows of the broad-ſword, and all other arbitrary puniſhments of the ſame kind.	Decreed.
73d, An augmentation of the pay of the ſoldiery.	Decreed.
74th, A *reduction* of the number of great military employments and uſeleſs commiſſions; *regulations* for the reſidence of thoſe officers whoſe places ſhall be preſerved.	Decreed and exceeded.
75th, An augmentation of the *Maréchauſſée*.	It appears, on the contrary, by the ſuppreſſion of provoſtal juriſdictions, that the utility of this body is ill underſtood.
76th, The formation of a plan of national education.	Expected.

Theſe ſeventy-ſix articles, of which the firſt thirty-three are ſo many fundamental maxims which ought not to have been departed from, and the forty-three following, particular regulations, conducive alſo to general order, contain what may be called the harmony of the Inſtructions, on the moſt important points of the ſubjects on which they treat.

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I have rejected all particular articles, and all thoſe on which opinions are divided; ſo that the contents of this recapitulation, as conciſe in words as immenſe in its objects, may be called the unanimous wiſh of France. I have compiled it, by carefully collecting what is ſcattered through more than five hundred different Papers of Inſtructions; and I have ſpared no pains to render correct this brief ſtatement, in which the Nation may ſee, at one view, the whole of its work. It has certainly no reaſon to diſavow or be diſſatisfied with it. The plan of the Conſtitution, as it has been conceived and deſired by it, is completely traced out; and it was neither difficult to follow it, nor was authority given to act contrary to it; and France, which is at preſent a ſcene of ſuch dreadful confuſion, would have been a tranquil and happy country, if its deputies, faithful to their commiſſion, had been contented with giving to each article the neceſſary developement and perfection, inſtead of bewildering themſelves in metaphyſical theories, ill applied, and imagining that they were obliged to deſtroy every thing.—How much is it to be regretted that the purſuit of an imaginary improvement, ſhould have occaſioned the loſs of an opportunity to effect a real good!

As we now have before us a ſtatement of what the Inſtructions have preſcribed to the deputies, and, by the ſide of each article, a view of what theſe

theſe deputies have really done, let us compare the conſequences which would have followed, had the Aſſembly complied with the national wiſh, with thoſe which have reſulted from its having acted contrary to it in the moſt eſſential points.

In the former caſe, the aſſent of the King to the wiſhes of his people having been notified by the Declaration of his Majeſty, of the 23d of June 1789, the Aſſembly, taking this auguſt concurrence for the foundation of its decrees, might have framed, in the moſt perfect tranquillity, a ſolid and permanent conſtitution, reformed without difficulty the abuſes which had before defied the utmoſt efforts of the beſt intentions, and confirmed, without injury to any one, the liberty of all, the rights of property, general ſecurity, good order, and juſtice: laſtly, by a ſpeedy reſtoration of the finances, which ſeemed to have been reſerved for the Aſſembly, it might have procured to the people that relief they had a right to expect from it. Every project of utility might then have been carried into execution; nor was there any obſtacle which could have proved inſurmountable. Every juſt and reaſonable meaſure might have been employed to regulate the exerciſe of authority, and temper without enervating it; every thing muſt have given way of itſelf to the irreſiſtible union of the general will, and the intentions of a beneficent Monarch. What ſplendor, what proſperity, what an increaſe of power, muſt not the kingdom have acquired,

acquired, when, to the rich advantages of its fertile ſoil, it ſhould have added, without the ſlighteſt commotion, all thoſe of a good government! What heart but muſt bleed at the reflexion that ſuch might have been the happy lot of France!

In the ſecond caſe, which, unfortunately for us, is that of its preſent condition, every thing which has concurred, during fourteen centuries, to promote the glory and power of this empire, has been deſtroyed in an inſtant: fire and ſword, diſcord and pillage, have laid waſte the kingdom; the throne is degraded; all orders of citizens ſuffer; the fortunes of individuals, and the finances of the State, are alike ruined; the Nation is wretched, and the French name ſtigmatized with diſgrace.

If any thing can alleviate the afflicting ſenſation which muſt be felt at the view of ſuch a contraſt, it is the reflexion, that, on the one hand, the preſent confuſion cannot ſubſiſt; and that, on the other, we may yet hope the eſtabliſhment of that order which was the wiſh of the Nation, and the loſs of which we have ſo much reaſon to regret.

No—there is no human power which can realize, conſolidate, and render practicable, what is null and void in its principle, invalid from the defect of its formation, inconſiſtent as a whole,

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and incapable of being carried into execution from its repugnance to all the local, moral, and political circumſtances of the kingdom. And ſuch is the New Conſtitution.

It is null and void in its principle, becauſe it is contradictory to the conſtituent mandates, the authority of which the deputies could not annihilate without annihilating themſelves; as they could not deſtroy the Orders from whence their powers emanated, without, at the ſame time, deſtroying their powers, and their very exiſtence.

It is invalid from the defect of its formation, ſince it has not been freely ſanctioned by the King; and ſince the indiſpenſable condition of the conſent of his Majeſty has not been fulfilled with regard to any decree, that conſent having always been given in a ſtate of conſtraint.

It is inconſiſtent as a whole, from the multitude of contradictory acts that it contains; and becauſe nothing can be more inconſiſtent than to call a government monarchical, in which no power is left to the monarch.

It is impracticable in execution, from its repugnance to all the local, moral, and political circumſtances of the kingdom; it being evident that a popular, or even a republican government, can never be adapted either to the extent of the kingdom

dom of France, the genius of its inhabitants, or the political exigences of its ſituation.

We may therefore affirm, and I will inceſſantly repeat it, that this mis-ſhapen chaos, which is decorated in vain with the title of a Conſtitution, can neither be ſupported in right nor in fact; and that, if it is requiſite, if it is even urgently neceſſary, to pull down this ruinous edifice, it is not from fear of its duration, but to prevent the violent concuſſions and new calamities which muſt accompany its fall. The redoubled efforts which the Aſſembly has never ceaſed to make, to legaliſe, in appearance, its enterpriſes, and cover, if it were poſſible, the radical nullity of its decrees, has only ſerved to ſhew how much itſelf diſtruſted their validity. I have ſhewn that it has endeavoured to conceal from view its primitive delegation, ſometimes by inveſting itſelf with the title of *National Aſſembly*, and ſometimes by aſſuming, contrary to its true ſenſe, the name of a Convention; and imagining that, by this nominal uſurpation, it has acquired the ſovereign attributes of a conſtituent power, raiſed itſelf above all reviſion on the part of its conſtituents, and rendered its decrees inacceſſible to all examination on the part of its ſucceſſors: but I have ſhewn, at the ſame time, that all theſe chimerical pretenſions diſappear before the unalienable rights of the Nation; and that the Aſſembly, far from having been able to become, by its own effort, infallible in its dogmas,

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and unlimited in its power, has, on the contrary, even forfeited its legal exiſtence, by violating the conditions under which it received that exiſtence.

The manifeſt impoſſibility that the preſent ſtate of things ſhould be made to ſubſiſt, inſpires a hope that the ſyſtem which ought originally to have been adopted may yet be ſubſtituted. What obſtacle can oppoſe this happy change, when nothing more is neceſſary to effect it than the exerciſe of the right of reviſion, which ever appertains to the Nation, and which the Nation never has parted with, nor can give up? In vain may it be pretended that it has been ſuperſeded by the civic oath, which the Aſſembly imagines a tower of defence againſt all who ſhall dare to diſpute the validity of its decrees. If it were true that the people had ſworn to defend and maintain laws evidently contrary to the general intereſt, and which muſt tend to the ruin of the Nation, what could be the force of ſuch an oath? Can a people ſwear their own deſtruction, and be bound to keep their oath? In ſuch a caſe might we not ſay,

Le parjure eſt vertu quand le ſerment fut crime *?*

But, on the contrary, if we attentively conſider the terms in which this extraordinary engagement, the ſingularity of which has aſtoniſhed all nations,

* Perjury is a virtue, ſince the oath was a crime.

nations *, is conceived, we ſhall find that its true ſenſe is ſo oppoſite to that given to it by the Aſſembly, that it can only be kept by abjuring its errors.

I do not propoſe to you, my countrymen, to break your oaths;—hold them all ſacred. If that which the Aſſembly has impoſed on you was contrary to that which binds all ſubjects to the ſovereign, it muſt have rendered you guilty of perjury, and your firſt obligation would not have been broken: but the civic oath contains nothing contrary to the former oath, nor can it in the leaſt embarraſs your fidelity.

You have ſworn *to be faithful to the Nation, to the Law, and to the King; and to maintain, to the utmoſt of your power, the Conſtitution decreed by the National Aſſembly, and accepted by the King.*

Faithful to the Nation—That is to ſay, faithful to yourſelves; which can have no other ſignification than the wiſh to diſcern your true intereſts, and not to betray them by delivering yourſelves up to the deſpotiſm of demagogues.

Faithful

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* "My aſtoniſhment continually increaſes, when I learn "that it is no longer to the King that *allegiance* is ſworn in "France, but to the Nation. Here all my ideas are con- "founded; and the *civic oath* realizes in my eyes the plea- "ſantry of *twelve hundred kings*."—*Letter of Mr. Burke.*

Faithful to the Law.—To conceive rightly the nature of this obligation, which is common to all civilized countries, it will be neceſſary to aſcertain what ought to be underſtood by the word Law, which it is more eaſy to explain by analyſis than by definition. In the firſt place, there are eternal and immutable laws which are the foundations of juſtice, and which the Divine Being himſelf has written in the hearts of all men. Such is this maxim of natural law, *Do not unto another what you would not wiſh he ſhould do unto you:* whence it follows that it is not permitted to any one claſs of citizens, however numerous it may be, to oppreſs another, nor to attack its rights or its ſecurity; and conſequently, that the exceſſes committed by the *Democrats* againſt the *Ariſtocrats* are as criminal as any acts of violence which the ſpirit of vengeance might cauſe the latter to commit. Such is, alſo, this firſt principle of civil or municipal law, *Leave every one in poſſeſſion of the property which appertains to him*; which renders every kind of property inviolable, and ſecured to its lawful poſſeſſor. Laſtly, ſuch is, with reſpect to public or national law, *the reciprocal obligation to fulfill national compacts*, ſo long as they ſubſiſt, and till they ſhall have been diſſolved in the ſame manner as they were formed; which is applicable to the capitulations of provinces, to the conditions under which they were united to the kingdom, and to all acts tranſlative of ſovereign power.

O you who have ſworn to be faithful to the Law! compare what is required by theſe fundamental principles of natural, civil, and national law, with all the acts of the Aſſembly, and judge whether your oath permits you to adhere to them. Deſcending, afterward, from theſe primordial laws to poſitive laws, conſider whether you have ſworn to maintain as ſuch, decrees in which all the rules preſcribed for their formation and completion are violated; decrees in which the Repreſentative Body inceſſantly tranſgreſſes the mandates of the Conſtituent Body; decrees, in fine, which are neither authoriſed by the will of thoſe in whoſe name they are enacted, nor validly ſanctioned by a conſent which, not being free, is abſolutely null and void.

Faithful to the King.—This part of the oath, which is clear, and needs no interpretation, fixes the ſenſe of all the others, and diſſipates every difficulty; for to ſwear to be faithful to the King, is to ſwear that there ſhall be a King. But, according to the plan of the preſent Aſſembly, the Nation will no longer have a King; ſince he is not a King who does not govern the kingdom, who has no co-operation with the law, nor means of ſuperintending the tribunals, nor force to repreſs diſorder, nor authority to diſtribute employments in reward of merit, nor power to defend the State, and make war or peace. The oath of fidelity to the King needed not to be renewed; it

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is engraven in indelible characters on the hearts of all Frenchmen: if the oath now adminiſtered agrees with it, it is uſeleſs; if it is injurious to it, it is a felony. Does the Aſſembly which has aſſumed to itſelf the power of annulling vows made to the Supreme Being, and breaking obligations contracted under the ſanction of public faith, alſo claim the right of altering the oath which binds the Nation to the King, while the King is not even imagined to have failed in that which he has taken to the people? It could not do it, it has not done it: this oath therefore remains in full force; and, ſince it remains in force, does it permit thoſe who have taken it, to concur in depriving the King of the rights inherent in his crown? Does it permit them to degrade him to ſuch a degree that, after having been the moſt powerful of monarchs, he ſhall have leſs influence than the Sovereigns whoſe authority is moſt limited; that he ſhall not even be left in poſſeſſion of the title which the Kings of his auguſt race have for ſo many ages borne; that he ſhall have leſs real power than the Colonel of the Paris guard; and that he ſhall be reduced to ſee his fate depend on the tumultuous motions of an Aſſembly ruled by the populace *.

* No perſon can be ignorant how much the deliberations of the Aſſembly are influenced by the multitude which fills the galleries of the Hall, and frequently beſieges every entrance to

I appeal to the ſentiments which have ſo long done honour to the French name; I appeal to the ſignal attachment which the Nation has continually manifeſted for its Kings. Has then Louis XVI ceaſed to merit this attachment, he who has done more for his people than any of his predeceſſors? Or can it be imagined that this attachment is proved, when, in the face of indignant Europe, he is ſucceſſively deprived of all his rightful prerogatives; when ſcarcely the exterior of royalty is left him; and when he is held in a captivity, the opprobrium of which cannot be diſſembled by conſtrained declarations, and of which the term cannot be foreſeen, that which ſerves as a pretext to this flagitious act not having any?*— And is it while our King is treated with ſuch indignity, that the oath to be faithful to him is required

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to it; as was the caſe during the ſitting of the 22d of May 1790, when the queſtion concerning the right of making war was decided by the multitude, collected at the Thuileries, before it was determined by the Aſſembly. The ſcandal and indecency of this practice increaſes from day to day.

* If any one can entertain a doubt of the confinement in which the Pariſians dare to keep their King, let him repair to the Palace of the Thuileries, and obſerve the number of armed men who ſurround their Majeſties, as often as they leave the walls within which they are ſhut up and carefully guarded; and he muſt be convinced of what is notorious at Paris, though every effort is made to diſguiſe it from the provinces, that the King of France cannot take a ſtep without the permiſſion of his inſolent jailers!....O Frenchmen!....

quired and taken! Let us leave a conduct ſo dreadfully ridiculous to thoſe who, ſporting with all principles, may well ſport alſo with perjury; and whatever may be the intention of this oath, let us fulfill the obligation it impoſes on us. To ſwear to be faithful to the King, is to ſwear to defend him from all violence, to ſwear to avenge him for every outrage, to ſwear to hold in horror the man, whoever he may be, who ſhall dare to violate his liberty; who, joining treaſon to ingratitude, ſhall have the effrontery to exerciſe the ſhameful office of his keeper, and be the vile inſtrument of prolonging the crime of the populace. Thus I have ſworn myſelf, thus I ſwear, and thus I will fulfill my oath.

By the laſt article of the civic oath, every Frenchman is made to ſwear *to maintain, to the utmoſt of his power*, what is called *the Conſtitution decreed by the National Aſſembly, and accepted by the King*. This doubtleſs is the true object of the oath, and what it principally had in view.

But can any thing be more ſtrange, or more illuſory, than to ſwear to maintain what does not exiſt? For *the Conſtitution decreed by the National Aſſembly, and accepted by the King*, does not exiſt, either as a conſtitution, or as decreed by the Aſſembly, or as accepted by the King.

It does not exiſt as a conſtitution, becauſe it conſtitutes nothing that can ſubſiſt, and becauſe it is impoſſible to refer it to any of the different kinds of conſtitutions. I defy any one of thoſe who have ſworn to maintain it, to ſay what it is. It certainly is not a *monarchical* conſtitution, ſince it annulls all the rights of a monarch, and reduces to nothing all the ſprings of the executive power, as I have already proved. It is not a *democratical* conſtitution, ſince, in a democracy, the people are the legiſlature in their own perſons rather than by their repreſentatives; and, beſides, a democracy in France is a creature of the imagination. It is not an ariſtocratical conſtitution, ſince all thoſe who can be denominated the *Ariſti* * are excluded from the government, and thoſe who have ſeized on it themſelves, allow that this name does not belong to them. The ſpecies, then, to which it approaches neareſt, is the *deſpotic* conſtitution, ſince it neceſſarily tends to the confuſion of all the powers, which is the proper and diſtinctive character of deſpotiſm. But its authors would rather chooſe to confeſs that it is null and void, than avow it to be ſuch; and *null* is in fact its true denomination.

It exiſts not as decreed by the National Aſſembly. I ſhall not argue from the conſideration that there can

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* The Greek word αριστος ſignifies *brave, excellent, courageous.*

can be no National Aſſembly, ſince the deputies were only convoked and delegated to form an Aſſembly of the States-General; there is too much to be ſaid on things, to dwell on words: but I take my ground on this,—that the Aſſembly, at the ſame time when it required the oath to maintain the conſtitution it ſuppoſed itſelf to have decreed, declared, nevertheleſs, *that the conſtitution was not completed*; that it would be yet ſome time before it could be finiſhed; a declaration which it repeated more than two months after, when, in order to effect this completion, it continued the duration of its authority to an indefinite term, after the example of the Decemvirs in ancient Rome. But ſince the Conſtitution was not finiſhed, it did not then exiſt, and was not therefore decreed. A partial and imperfect work is not a Conſtitution, the exiſtence of which can only be conceived as a whole; and this whole cannot be ſeen in the part, ſince the reciprocal connexion and concord of all the parts is neceſſary to its formation.

*It exiſts not as accepted by the King**, becauſe the King neither accepts nor refuſes when he is

* I make no diſtinction here between *accepted* and *ſanctioned*, as I am not able to diſcern that there are two kinds of ſanctions, when the Inſtructions admit only one; nor to conceive that the aſſent of the King can be leſs neceſſary, or ought to be leſs formal, for fundamental and conſtitutional laws than for all others.

not free; becauſe a conſtrained will, and no will, are abſolutely the ſame thing; becauſe, ſo long as he ſhall continue in the ſtate of obſeſſion in which he is, whatever he may be made to ſay, or whatever he may be made to ſign, were he a thouſand times to proteſt that it is the effect of his own choice, ought to be accounted for nothing. He has therefore great reaſon to conſent indiſcriminately to whatever his oppreſſors or his keepers may propoſe to him. The more what he appears to approve is injurious to his prerogatives, detrimental to his intereſts, and contrary to the manner in which he naturally ought to think, the more his approbation bears the marks of violence, and the more is it radically vitiated by the firſt of all nullities. Thus we ſhould be to blame to reprehend the ſtep he took on the 4th of February, and the pronunciation of a diſcourſe written by a perfidious hand, in which, with a ſtyle that could never be his, he profeſſed and recommended *an attachment to the new Conſtitution*, which did not yet exiſt: but much more ſhould we be to blame to rely on it, when the means employed to overcome the repugnance he had expreſſed in Council, on the firſt propoſition of that act, are univerſally known. It was not then neceſſary, and, let us ſhudder while we ſay it, it may hereafter be dangerous, for him ſo diſtinctly to mark the difference between his real and his forced will. Is there any need that he ſhould declare the ſituation in which he is? So long as he ſhall remain in it, though,

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to fill up the meaſure of our guilt, he ſhould be required to pollute his auguſt lips by the condemnation of the zeal of his moſt faithful ſervants, and moſt affectionate ſubjects, or even of his own brother, he muſt conſent. If it is wiſhed that Europe ſhould believe that he freely ratifies what is called the New Conſtitution, let it be preſented him to ſign at the head of his army.

This Conſtitution, which, as we have ſeen, is neither formed, decreed, nor ſanctioned, it was hoped might receive additional importance in the public opinion from the pompous apparatus of a confederation which is repreſented as general, becauſe, in the midſt of a feſtival at the celebration of which it was not difficult to collect a prodigious multitude, thirty thouſand partiſans of the uſurping Aſſembly took, in preſence of four hundred thouſand curious ſpectators, an oath which tends to no utility, and adds nothing to the natural and indelible engagements of the whole French nation. The people are fond of ſhows; the effect theſe have on them is well known; and they are one of the means which artful impoſtors never fail to employ, to obtain their ſuffrages by ſurpriſe: but it is likewiſe well known that what the multitude gazes at, what dazzles their eyes, and excites their noiſy acclamation, cannot by any means fix their inſtability; it is an artificial firework, which, while it ſhines in the air, is hailed with ſhouts of tumultuous joy, but which leaves behind it only

ſilence

ſilence and ſmoke; it is a ſea agitated by the breath of intrigue, which hurls to the clouds its billows of applauſe, the foam of which for ſome time covers the ſurface—but, when the calm is reſtored the wave, again becomes tranquil, preſents to view only the ſhattered fragments of the veſſel broken by the tempeſt, and the melancholy ſight freezes every heart. Thus will end the popular ferment, and all the ſtorm and confuſion which has been excited; thus will the conviction of the public miſery, and the terror inſpired by the ſcene of univerſal deſtruction, quickly riſe above every other ſentiment. Then will be the time to interrogate the Nation, and form a true judgment of its real will: then ſhall we know whether it meant to ſwear to perpetuate and aggravate the calamities it ſuffers, by ſupporting the fantaſtic edifice which endeavours have been made to erect on the ruins of the only government adapted to it; or whether its true intention was not to engage to defend a real conſtitution, and ſuch as might reconcile the maintenance of the public power with the eſtabliſhment of a rational liberty; a conſtitution which ſhould be founded on the ancient baſes of the French monarchy, and which only proſcribed its abuſes; a conſtitution conformable to the mandates by which it had been recommended to the delegates " to reſpect, to cheriſh, the happy con-
" cord of the beſt combined principles, which
" had rendered immutable the foundations of an
" empire the moſt ancient and moſt formidable in
" Europe;

" Europe; to apply themſelves ſolely to remedy " the imperfections that time and the hand of " men, which every where leave their traces, have " introduced; and to demonſtrate to our rivals, " that a Nation of which the diſtinguiſhing cha- " racter has ever been the ſenſe of honour and the " love of its King, is only occupied with its re- " ſources, when great evils require great ſacri- " fices." *

Is it credible that the Frenchmen who thus expreſſed themſelves in 1789, meant to ſwear the contrary in 1790, and engaged to maintain to the utmoſt of their power the deſtruction of their own mandates? But, to repeat it once more, the queſtion cannot be to maintain what does not exiſt, what is equally null and void in fact and right, and, by the confeſſion of the Aſſembly itſelf, cannot yet be conſidered as a thing in exiſtence. The civic oath is equivalent to the declaration that, when there ſhall be a Law, a King, a Conſtitution, and a free ſanction, we will be faithful to the Law, to the King, to the Conſtitution, and to the decrees that ſhall be ſanctioned. Until then, this conditional and blind oath, by which it was intended to crown the proceeding of the 14th of February, ought to appear equally inſignificant with

* Inſtructions of the Aſſembly of the Bailiwick of Crepi, preſided at by the Duke of Orleans.

with that. Its obligation is ſolely directed to futurity; it therefore requires, rather than forbids, that we ſhould labour to frame and execute ſuch a plan for future regulation and improvement as may be univerſally acceptable. Since it is evident that the preſent ſtate of things is deteſtable, and ſince it is equally demonſtrated that the progreſs of the preſent arrangement can lead to no ſalutary amendment, it is neceſſary, and urgently incumbent on us, to ſeek, in another order of things, the means which may reſtore to France her vitality, power, and tranquillity; reſcue her from the abyſs in which ſhe is plunged; and give to her, once more, a Law, a King, and a Conſtitution.

But, to effect this, what is neceſſary?—A Counter-revolution?

YES, if by this word is meant the united efforts of all good citizens to reſtore order to France; to baniſh anarchy, to put an end to the tyrannical uſurpation of a handful of demagogues, who govern the kingdom, or rather who prevent it from being governed; to reſtore to the King that authority which belongs to every monarch, and which is neceſſary in every well-regulated Sate; and, laſtly, to enable the Nation to recover its rights, and to ſecure to it the free exerciſe of that power which it could not alienate, of avowing or diſavowing what has been done in its name, but without

without its participation, and contrary to the only notification which has been made of its will.

NO, if the conſequence of a Counter-revolution muſt be to revive ancient abuſes, to ſtrip the Nation of its lawful privileges, and to deprive it of that juſt meaſure of liberty which it ought to enjoy; of the advantages which the King himſelf had ſecured to it, and of that ineſtimable bleſſing, a good and permanent Conſtitution.

Taking the word in this latter ſenſe, I abhor all anti-revolutional projects; and I proteſt that there is neither in my ſentiments nor my propoſitions any thing which tends to deprive the Nation of what it has a right to hope from the intentions of the King, and the fulfilment of its Inſtructions.

It is becauſe I love Liberty, becauſe I hate arbitrary power, that I feel an indignation at a confuſion of powers which excludes the one, and introduces the other. The exceſs of licentiouſneſs, and the diſorders of anarchy, continually lead to Deſpotiſm. The ambitious men who preach up and excite the fanaticiſm of liberty, conſtantly end by the oppreſſion of liberty. By maſking their deſigns with the name of liberty, ſeditious Tribunes, barbarous Decemvirs, and the daring impoſtor Cromwell, exerciſed the moſt cruel tyrannies; and already have we not experienced, during fifteen months,

months, under the government of our pretended deliverers, more deſpotic acts of violence than were every known under the reigns of the moſt arbitrary monarchs? Inquiſitions taken on calumnious and groundleſs informations, the encouragement of ſpies, the violation of the ſecrecy of letters, interruptions of the courts of juſtice, the ſuſpenſion and removal of proceedings on the greateſt crimes, extrajudicial arreſts, illegal impriſonments, the ſeizure of property, the creation of paper money, are not theſe the acts which characterize the oppreſſion of tyrants—and are not they alſo thoſe of the National Aſſembly?

When I wiſh to ſee my country freed from the moſt odious of yokes, will even thoſe who have impoſed it dare to accuſe me of being the enemy of liberty? When I exhort the Nation to exerciſe thoſe rights of which its delegates wiſh to deprive it, and to claim, with its utmoſt force, the fulfilment of the mandates they have tranſgreſſed, will they tell the Nation that my projects tend to enſlave it? Will they charge me with attacking the Revolution, becauſe I wiſh to confirm it, by rendering it rational?—Vain reſource! The illuſion is at an end. Truth diſſipates the miſts in which it has been enveloped; the people themſelves receive its light; and I fear not to appeal to their deciſion. The evils which have been accumulated on them, juſtify any one who ſhall endeavour to preſerve them from them; and the means

means I propoſe are not of a nature to give alarm. I ſhall proceed to recapitulate them, and thus conclude my work.

CONCLUSION.

THE Nation, whoſe wiſh has been clearly and formally made known, in the inſtructions and mandates which the elective Aſſemblies have tranſmitted to their Deputies to the States-General, ought now to turn its attention to the decrees paſſed by them, relative to the Conſtitution, and diſtinguiſh thoſe which agree with, thoſe which go beyond, and thoſe which are directly contrary to this wiſh.

As to the former, the ſilence of the Nation is ſufficient to ſignify that they ſhall be inviolably maintained; and, conſequently, no doubt can ariſe reſpecting thoſe which declare that the French government is monarchical, that the crown is hereditary from male to male, that the perſon of the King is inviolable and ſacred, that there ſhall be no laws but ſuch as ſhall be made in the Aſſembly of the Repreſentatives of the Nation, and ſanctioned by the King; nor concerning thoſe which have placed the liberty, ſafety, and property of the citizens, under the ſafe-guard of the law; which have declared that no tax nor loan ſhall take place without the national conſent; that Miniſters ſhall be

be reſponſible for the employment of the funds of their departments, as well as for the infractions of the laws which they ſhall commit; that theſe funds, and alſo the general ſtatements of expence, ſhall be determinate and fixed; the *gabelle*, *corvée*, rights of mainmort, and all other vexatious rights, aboliſhed; taxation equally diſtributed; all pecuniary privileges abrogated; and the interior circulation of national or foreign merchandiſe entirely freed from every reſtraint.

The decrees of the ſecond kind, relative to objects not provided for in the Inſtructions, can only be ratified by repreſentative Aſſemblies of the three Orders, ſuch as were thoſe from which the firſt powers were derived. Until then, it is proper that they ſhould be executed proviſionally, except in ſuch caſes as would be definitive and irreparable, or thoſe which require great obſtacles to be ſurmounted.

But with regard to the decrees of the third kind, or thoſe that are directly contrary to the mandates which contain the notification of the general will, the Nation has a right to make known, as well by the deliberations and votes of the Bodies that exiſted previous to the convocation of the Aſſembly, as by individual declarations, that it holds for null and void all the decrees which are contrary to the unanimous tenor of the Inſtructions relative to the Conſtitution; ſuch as

That

That which, reducing the King to poſſeſs only the right of an illuſory ſanction, has deprived him of all ſhare in the exerciſe of the legiſlative power.

That which takes from him the right of making peace and war, and, conſequently, the principal prerogative of the executive power.

That which, taking from him all influence in the choice of Judges, leaves him no means of watching over the functions of the judiciary power.

Thoſe which, aboliſhing all orders, all bodies, and all intermediate ranks, which, abandoning the internal adminiſtration to popular aſſemblies, arming a million of citizens, and giving up the public ſtrength to forty-eight thouſand municipalities, have entirely annihilated the monarchical power.

Thoſe which violate the property of the Clergy, and that of all claſſes of citizens; which attack the juriſdiction of the Church; which reduce the Miniſters of the Altar to the condition of penſioners; which aboliſh Nobility, ſuppreſs the Parliaments, and overturn every part of civil and conſtitutional order.

Should then all ſentiments unite to form the general opinion of the radical nullity of thoſe de-

crees which are eſſentially contrary to the Inſtructions; ſhould this opinion be declared with a due energy from all parts of the kingdom; ſhould remonſtrances, uniform in their object, and tending to the ſame end, be conſigned to all the public depoſitories, and overpower the futile concurrences and adulatory congratulations of municipalities intereſted in ſupporting thoſe who have created them; might we not reaſonably believe that then, complaint being joined to power, the Aſſembly itſelf, equally deſtitute of ſupport and juſtice, will be obliged to give way to the union, and the deputies will be again reduced to a dependence on their conſtituents, whoſe intentions they have too daringly violated?

Should ſuch an effect enſue from a vigorous remonſtrance; ſhould thoſe who are only repreſentatives, feel that they have no longer any power when they are diſowned; ſhould they abandon pretenſions which vaniſh the moment that reality takes place of its image; ſhould they, inſtead of endeavouring to entrench themſelves in the ſupercilious heights of a ridiculous infallibility, conſent to return to their natural level, by acknowledging that they could only exerciſe the functions of ſupreme legiſlators, conditionally, and ſubject to the approbation of their conſtituents; ſhould they, in conſequence, to avoid adding the horrors of a civil war to the miſeries they have brought on their country, adopt the wiſe reſolution to favour rather than

than injure the liberty of the national ſuffrages; ſhould they no longer uſe, againſt petitions, or decent and reaſonable remonſtrances, the haughty ſtyle of reprimand, and that tyrannical ſeverity of condemnation which they employed with reſpect to the towns of Niſmes, Uzes, Montauban, and the Parliaments of Bourdeaux, Toulouſe, &c. if, in fine, they ſhould acknowledge that *every citizen* having a right to *ſpeak, write, and print freely*, and ſince *no perſon ought to be diſturbed for his opinions**, it would be the greateſt of inconſiſtencies, ſhould the object which is more intereſting than any other to *every citizen* be the only one with reſpect to which *no perſon* is ſecure from being more than diſturbed; and that, though all Frenchmen *have a right to concur perſonally, or by their repreſentatives, to the formation of the law*†, no one ſhould have a right publicly to declare his opinion;—ſhould they adopt this conduct, which reaſon dictates, and which cannot but do them honour, there would then be no conſtraint, no concuſſion, no commotion; and we might quietly return to the fixed points of the Inſtructions, which ought never to have been departed from.

But if, on the contrary, the Aſſembly, not fearing to manifeſt how little regard it pays even to

* Articles 10 and 11 of the Declaration of the Rights of Man.

† Article 6, item.

its own principles, when they do not accord with its views, ſhould ſtill endeavour to fetter opinions by fear, and proceed, for want of reaſons, to have recourſe to violence to ſtifle every germ of reſiſtance to its innovations; ſhould it attempt to force the general intereſt to bow before its ſyſtems; it would be moſt evident that from it alone oppreſſion proceeds, and every means of reſcuing the Nation from that oppreſſion muſt be acknowledged lawful. The rights of man authoriſe every act neceſſary to repel what is injurious to them; and when the exerciſe of theſe rights has ſolely for its end to prevent the ruin of Religion and the State, to reſtore to the King his crown and liberty, and to beſtow on the people tranquillity and the means of ſubſiſtence, it can no longer be the ſource of abuſe, but muſt aſſume a reſpectable and ſacred character.

Could then that noble Deſcendant of the great Henry, whom perſecution itſelf ſeems to have reſerved for the ſalvation of France, by forcing him to leave the kingdom, refuſe his aſſiſtance to his oppreſſed country? The injuſtice he has ſuffered has not exaſperated his generous ſoul; and though it is impoſſible that he ſhould not be affected by the degradation of a throne which is the ſuperb appanage of his Houſe, he certainly feels ſtill more ſenſibly the calamities that overwhelm the kingdom. As a good Frenchman, and a good brother, on whom can they make a more forcible impreſ-

ſion?

ſion? Since the duties which theſe titles impoſe on him attract to him the eyes of all Europe, they are doubtleſs inceſſantly preſent to his mind; but it is the wiſh of the Nation which muſt point out the moment when he ſhall fulfill them, and employ in its behalf, at the ſame time that he defends the moſt reſpectable intereſts, the great qualities that Misfortune, which cruſhes feeble minds and expands the ſouls of heroes, has exhibited in him in all their luſtre. Already his blameleſs conduct in the auguſt aſylum that has been granted him by a virtuous Monarch, has gained him the ſentiment of the moſt tender paternal attachment on the part of that Monarch, and the tribute of a merited admiration from the whole Court of Turin: and ſoon ſhall the circumſtances that appear to call him to the glory of ſaving his country, and defending the cauſe of Kings, diſplay, to the whole world, his noble and loyal freedom, his illuſtrious intrepidity, and his unſhaken firmneſs in his reſolutions, which render him worthy to become a new model for the French Chivalry, and its Head.

Thoſe who ſee and announce plots in every thing which does not accord with their own opinions, will conſider in that light the lively intereſt I deem it an honour to take in the fate of a Prince who has deigned to call me his friend from the day on which I began to be unfortunate. But has not the word *plot* become honourable, ſince it

has been the name given to the union of thoſe who, faithful to their primitive oath, remain ſtill attached to their Religion and to their King; who deſire that the former ſhould be maintained, and the latter delivered from conſtraint; who, greater friends to liberty than thoſe who have degraded it into licentiouſneſs, and greater enemies to deſpotiſm than thoſe who exerciſe it while they appear to perſecute it, wiſh only to be free under the empire of Reaſon; who, far from regretting the abuſes of the old government, cheriſh all reforms beneficial to the people, and only require the fulfilment of the Inſtructions which contain the wiſh of the Nation, and condemn in the indefinite plan which is called *the New Conſtitution* only what is incompatible with the exiſtence of a limited monarchy, injurious to the general intereſt, deſtructive of the laws, and impoſſible to be carried into execution? If to avow ſuch ſentiments, is to enter into a league, it is *the League of Duty*; for by what other name can it be called? And where is the worthy man, the good citizen, the truly loyal ſubject, who is not already enrolled in it in his heart, and who does not wiſh to be ſo in reality; who ſighs not for the moment when this League, which ſhall combat at once for its King, its country, its religion, ſhall acquire that conſiſtence and ſtrength which it ought to have; and when, rallied under the ſtandard of Honour, and protected by all the Sovereigns of Europe, it ſhall reduce to its primitive nullity, that other League, at preſent the only

only real one, of which the very name beſtowed on it by the public is a characteriſtic reproach of its madneſs *; whoſe aim, according to its own avowal, is to deſtroy every thing; whoſe acts have produced only calamities; whoſe doctrine is a levelling delirium, carried to a ridiculous extreme; and whoſe ſtrength is entirely derived from momentary fanaticiſm?

Long, too long, perhaps, has that part of the public which may be called good and wiſe, ſtood at a diſtance, and kept ſilence, fearing to irritate to no purpoſe a blind multitude, wiſhing to let the impetuoſity of the headlong torrent ſubſide, and continually hoping a repentance no longer to be expected. But all paſſive prudence has its limits, beyond which it becomes a crime; and its exceſs, which has in every age cauſed the triumph of the factious, was, with great reaſon, condemned by the law of Solon, which declared infamous every citizen who, when any great commotion ſhould happen in the Athenian republic, ſhould obſtinately refuſe to take either ſide†. Does not the application of ſuch a law to the preſent moment, and the preſent condition of France, ſtigmatize with infamy a lethargic inactivity? Should this inactivity con-

* It is well known that the prevailing party in the Aſſembly is called that of *the Madmen* (les Enragés).

† Plutarch. in Vit. Solon.

tinue much longer, the State is ruined without reſource; ſhould it be diſſipated by vigorous efforts, the State may again recover its priſtine ſtrength and glory, and France again be a happy country.

But, Heaven forbid that the vigorous efforts of which I ſpeak ſhould ever lead to the horrors of an inteſtine war! Heaven forbid that it ſhould ever be ſuppoſed my wiſh to excite to vengeance the three or four hundred thouſand citizens whom an inhuman fanaticiſm, fomented by villains or viſionary enthuſiaſts, ſeems to have devoted to the fury of the populace! Heaven forbid, that, becauſe ſome have entertained the culpable intention of exciting thoſe who have nothing to make war on thoſe who have ſomething, I ſhould wiſh to occaſion a war in which thoſe who have ſomething ſhould attack thoſe who have nothing! My wiſh, on the contrary, is to extinguiſh for ever thoſe fatal brands of Diſcord which impious hands have enkindled in every part of France, and ſolely to ſubſtitute in their ſtead the torches of Reaſon. I only require that all thoſe who are able to enlighten the people ſhould neglect nothing to attain this end; that each Noble, each Eccleſiaſtic, each Magiſtrate, and every one of thoſe who compoſe the firſt claſſes of citizens, ſhould be careful to efface from all minds even the ſlighteſt ſuſpicion that they wiſh to preſerve, or ever regain, any exemption from any tax, any diſtinction diſadvantageous

vantageous to the people, or any of thoſe privileges which they have themſelves ſacrificed to the public cauſe without aſking an indemnification. I only requeſt that all theſe ſhould inceſſantly repeat to the multitude, that they are impoſed on; that it is not true they have intereſts ſeparate from thoſe of the people; that it is not true that they wiſh to oppreſs them; that they never have denied, nor ever will deny, that all the citizens are equal with reſpect to what regards the laws, the taxes, or rewards due to merit; that, far from wiſhing to oppoſe liberty, they aſpire only to enjoy it with the reſt of the Nation, and to render the enjoyment of it laſting and ſecure; that, if there are any enemies of the people, and enemies of general happineſs, they are thoſe only who every where ſpread diſſenſion and diſorder, who are the cauſe that no perſons think themſelves in ſafety in France, who prevent ſtrangers from entering the kingdom, at the ſame time that they drive out of it all the great proprietors, and thus dry up all the ſources of ſubſiſtence and induſtry. I could wiſh that the great Lords would make this declaration to their vaſſals, the Paſtors to their pariſhioners, and the Judges to the inhabitants of their juriſdiction; and that, before other meaſures are had recourſe to, for the re-eſtabliſhment of order, it ſhould be announced, publiſhed, and fully made known, throughout the kingdom, that no other views are entertained than ſuch as tend to ſave the Nation from the exceſſes of which it is itſelf the miniſter and the victim; to preſerve to

it

it the religion of its fathers, the monarchy of its fathers, the glory of its fathers, and, at the ſame time, all the new advantages to which it may with juſtice and reaſon lay claim.

By employing ſuch means to correct the miſtaken opinion of the populace, the national remonſtrance may become ſo indubitable, and be ſo ſtrongly ſupported by the voice of reaſon, as to baniſh all idea of violence, and even diſſuade from it thoſe who ſeem to have armed the people only in the defence of their chimerical ſyſtems.

But, ſhould it not be poſſible to open the eyes of the Nation, ſhould every hope of new examination be forbidden, and ſhould thoſe Princes of the Houſe of Bourbon who are free, and intimately feel a ſenſe of their duty, ſummon all loyal Frenchmen to unite with them, in order to reſtore liberty to the King, vigour to the public ſtrength, and to the French monarchy its original ſplendor; proteſting that, inſtead of wiſhing to enſlave the Nation, they mean to ſerve it, and ſecure to it every thing that it ſeems to deſire; I maintain that, then, the law of Solon would affix an indelible ſtigma on all thoſe whom falſe terror or timid apathy might retain inactive; on all thoſe who, ſeeing the Nation where it is not, and not ſeeing it where it is, chooſe to abandon it to the oppreſſion of a *Barnave*, a *Bouche*, a *Camus*, a *Lameth*, a *Pêtion*, a *Mirabeau*,

Mirabeau, a *Chapelier*, a *Rabaud*, a *Grégoire*, a *Menou*, a *Robeſpierre*, a *Dupont*, and others of the ſame claſs, rather than to ſeek, under the banners of the Bourbons, that liberty, ſecurity, and tranquillity, which lawful authority, moderated by a juſt equilibrium of the different powers, may procure. As for me, my choice is made; it was ſo by the law of my birth, by the oath of my honour, the only one which I know; and if to diſcharge the obligation of it be a crime, I declare that I will perſevere to the utmoſt in my culpability.

THE END.


BRITISH MUSEUM
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OCT

NOTES.

Note relative to the Petitions of the Towns of Nismes and Montauban.

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THE citizens of Niſmes, as alſo thoſe of Uzes, have been alarmed at the dangers which appeared to them to reſult from ſome decrees of the Aſſembly, relative to Religion, and the authority of the King. They have expreſſed their fears in petitions, addreſſed to the Aſſembly itſelf. One of theſe is dated the 20th of April 1790, and the other the 1ſt of June following.

As the repreſentations they contain have occaſioned great debates in the Aſſembly, and a violent clamour againſt the petitioners, it is intereſting to examine what there is, either in their ſtyle or their ſubject, which could give ſo much offence to the great protectors of liberty, and draw down their animadverſion on the four thouſand citizens who had ſigned and ſubmitted them to the judgement of the National Aſſembly. The following is the Act of the 1ſt of June, which explains the motives of the preceding, and principally deſerves our attention. Its contents merit to be preſerved; and I am perſuaded that it will be acknowledged to be exceedingly intereſting, both with reſpect to the matter and the diction.

" In the year 1790, on the firſt day of June, the Catholic
" citizens of Niſmes, forming a very great majority of the in-
" habitants

" habitants of the ſaid city, &c. declare, that, convinced of " the purity of their motives, they do not think themſelves " obliged to juſtify their petition of the 20th of April. Have " they alone demanded, at this time, the reſtoration of the " royal authority? It is the unanimous wiſh of all good " Frenchmen. It is expreſſed in an infinite number of ad- " dreſſes. Different Municipalities, after having drawn the " moſt afflicting picture of the unheard-of calamities with " which they are overwhelmed, repreſent that, *if the authority* " *of the King is not immediately re-eſtabliſhed in its plenitude,* " *they cannot but regard the liberty with which they are flat-* " *tered as the moſt fatal gift.* Can the citizens of Niſmes be " blamed for having manifeſted, after the example of thoſe of " Châlons-ſur-Marne, the whole country of Cominges, the " principal cities of Alſace, of Toulouſe, Alby, Montauban, " Lautrec, Alais, Uzes, and other principal cities of Lan- " guedoc, their attachment to the religion of their fathers, " when they behold it attacked on all ſides? Their alarm is " but too well juſtified by the reiterated efforts of an abſurd, " impious, and perſecuting philoſophy, which now heſitates " not to teach, in catechiſms of a new kind, that religion, the " laws, marriage, and property, are *homicidal and anti-ſocial* " inſtitutions; which inſtigates the law of divorce, and the " enfeebling of paternal authority, by wiſhing to deprive fa- " thers of the power of bequeathing their property; which " proſtitutes on the theatre the moſt ſacred objects; and " which, by infamous caricatures, every where expoſed to the " eyes of the people, endeavours to excite their fury againſt " thoſe whom they have hitherto moſt revered. In ſuch cir- " cumſtances, we may doubtleſs be permitted to wiſh that " the mild influence of religion may bring back the people to " ſentiments of peace and humanity. For this muſt be equally " to the benefit of all, both Catholics and Non-Catholics.

" The juſt apprehenſions which anarchy muſt excite are no " proof of a deſire to maintain the abuſes of the ancient admi- " niſtration; thoſe who ſigned the petition were the firſt to riſe " againſt theſe abuſes.

" If

" If the monarchy be not an empty name, we may no doubt " be permitted to remind our fellow-citizens, that religion, " and a ſubmiſſion to divine and human laws, are its moſt " ſolid foundations; and that true Liberty, which repoſes be- " neath the ſhade of the Laws, ought not to be confounded " with that mad independence which diſregards all law.

" If the ſupreme executive power be not a frivolous attri- " bute, we may alſo be permitted to ſigh for the re-eſta- " bliſhment of this prerogative of royalty, of this integral " part of the Conſtitution, the activity of which cannot be " longer ſuſpended without precipitating the kingdom into " the moſt dreadful calamities.

" No; nothing can be of greater importance than to put " a ſtop to thoſe maſſacres, thoſe plunderings, thoſe popular " inſurrections, thoſe concerted enterpriſes againſt the citadels " which defended our ports.....nothing can be of greater im- " portance than to put an end to thoſe inteſtine quarrels, " which during the agitation of the great queſtion, whether " the King or the Nation ſhould poſſeſs the right of making " war and peace, excited one city to arrogate it to itſelf, and " declare war againſt another city, by virtue of federative " compacts indiſcreetly ſworn to.

" Federative compacts! Can Frenchmen know any other " compacts than the Law, Patriotiſm, and the King? Ho- " nour and Loyalty are the true ſtandards under which they " rally. Theſe, in a monarchy, are the only baſes of every " federation.

" Every federative compact between ſome claſſes of citizens " is a real ſciſſion, an armament, a declaration of war againſt " all the other claſſes, who may juſtly conſider themſelves as " entitled to make uſe of the ſame precautions.

" Theſe federative compacts, the identity of their cauſes " and their pretexts, remind us of thoſe deplorable circum-

" ſtances

" ſtances which brought forth, under the reigns of Henry III,
" and Henry IV, the execrable confederation of the League,
" and which produced thoſe bloody conflicts between the two
" religions, between the factions and Royalty.

" Soon, it is not to be doubted, confederations of robbers
" will menace every kind of property: ſoon, the Clergy,
" the Nobility, the Magiſtrates, and worthy citizens, will no
" longer find any place of refuge from the fury of a misled
" populace: ſoon, ſhall the want of diſcipline among the
" troops occaſion, in the provinces, the ſame diſorders that
" followed the calamitous defeat at Poitiers, by which the
" kingdom was left without a Head: ſoon, ſhall bands of
" ruſtics, transformed into ſavage beaſts, ſwear to exterminate
" the Gentry; and our Hiſtory be a ſecond time polluted
" with the unheard-of cruelties which the Jacques and Malan-
" dins exerciſed during the captivity of King John. Such
" are the diſaſters which may be apprehended, which it is
" of the utmoſt importance to prevent, and from which the
" power of the King can alone ſecure us.

" Who can avoid being ſtruck, and alarmed, at the aſto-
" niſhing agreement of all the inſurrections, excited almoſt
" at the ſame time, in our frontier maritime places, and ſo
" many other cities in the interior parts of the kingdom, at
" the time that England and Spain have ſuch formidable ar-
" maments in readineſs?

" Can it be imputed as a crime to the Catholics of Niſmes,
" that they entertain an affection for their King! But where
" is the true Frenchman in whom this love is extinct? Can
" their ſending their petition to the Municipalities of the
" kingdom be conſidered as a *coalition*? The public manner
" in which they took this ſtep, is a ſufficient proof of the
" loyalty of their intentions. It is in the midſt of darkneſs,
" and by the means of ſecret correſpondence between perſons
" of the ſame party, that *coalitions* are formed, and that culpa-
" ble intelligence is conveyed. But can this name be given,

" and

" theſe views attributed, to the ſending of this petition, as " preſcribed in itſelf, publicly, to Bodies legally conſtituted?— " The object of this meaſure is not equivocal; it is not the " abſurd project of effecting a counter-revolution; it is the " deſire, which is clearly expreſſed, of conſummating the re- " volution, of putting an end to that anarchy which menaces " the country with a general combuſtion, of conſolidating the " conſtitution and taking away every pretext that may tend " to its injury, thus haſtening the time when France ſhall " gratefully acknowledge all the benefits it has received from " the National Aſſembly."

Theſe laſt words are very remarkable, and are a complete defence of the intentions of thoſe four thouſand citizens whom the Committee of Reſearch, by its Reporter, M. Macaie, has ſtigmatiſed as *given up to the exceſs of madneſs*, as a *wild multitude*, whoſe *monſtrous acts* and *outrages* have awakened ſolicitude, and.....

What then are theſe outrages?

M. Alexander de Lameth has characterized them in theſe terms, uttered with indignation;—

Gentlemen, ſaid he, *the ſelf-denominated Catholics of Niſmes* (this expreſſion, the ſelf-denominated Catholics, appeared ſingular) require you *to reſtore to the King the plenitude of royal authority.....What more do they aſk? The reviſion of the decrees that have been enacted ſince the end of the month of September. You perceive, Gentlemen, the culpable intention of this requiſition; it tends to nothing leſs than to inſinuate that the King and the Aſſembly have not been free, at Paris, ſince that time.*....In another part of his diſcourſe, ſpeaking of the firſt petition dated the 20th of April, he ſays: *It certainly was not to be expected that it ſhould be followed by a ſecond deliberation dictated by the ſame ſpirit; and ſtill leſs could it be expected that this deliberation ſhould find defenders even in the midſt of the Aſſembly.*

Thus, while it is unanimouſly acknowledged that thoſe who are accuſed of the greateſt crimes ought never to be deprived of defenders, and that one of the moſt excellent reformations which our criminal code appeared to require was to ſecure to all perſons the poſſibility of having ſuch defenders, a Member of the Aſſembly expreſſes his aſtoniſhment that thoſe who preſume to make remonſtrances againſt the decrees of the Aſſembly, and affirm that they require reviſion, ſhould be able to find defenders.

They have, however, found ſome who are truly reſpectable, and who have vindicated them with energy. *The noble and elevated language of liberty*, ſaid the Biſhop of Niſmes, *does you more honour than you could derive from a blind ſubmiſſion. Why have ſo many applauſes been laviſhed on the addreſſes of concurrence, if repreſentations like theſe are to be condemned?....Under what point of view*, exclaimed M. Malouet, *can the citizens of Niſmes and Uzes be cenſured by the Legiſlative Body? Have they reſiſted the law? Have they excited any inſurrection? Have they made an attack on the rights, or ſafety, of their fellow-citizens who are not Catholics? They have done nothing like this. Their addreſſes are the only crime alledged againſt them; and the ſtyle and manner of theſe addreſſes are conformable to the Conſtitution, which eſtabliſhes their right to petition. Were it not ſo, far from poſſeſſing the liberty which it is pretended we enjoy, we ſhould be enſlaved.*

We are then enſlaved; for the Aſſembly has paid no regard to theſe judicious reflexions. Acting in direct oppoſition to all that it has ſaid in the Declaration of the Rights of Man, it has proſcribed and puniſhed the exerciſe of the right, which every citizen poſſeſſes, to remonſtrate againſt the injury which he ſuffers, or that which he fears; a ſacred and natural right, the exerciſe of which Deſpots cannot always prevent, and of which they never dare to conteſt the principle. Regardleſs of the rules which it had itſelf adopted, relative to the courts of juſtice, it has taken into conſideration, and admitted as the baſis of an information, an anonymous accuſation, which the Committee

mittee of Reſearch, faithful to its object, has not bluſhed to preſent; and when a Magiſtrate, well acquainted with the forms and maxims of law (M. d'Eſprémenil) warmly repreſented to the Aſſembly that anonymous accuſations could only be preſented by knaves, and accepted by tyrants, it choſe to embrace the opinion of another ſpeaker (M. de Mirabeau) who did not heſitate to declare, *that the Committee of Reſearch could not be ſubjected to the methodical forms of an ordinary tribunal*; that is to ſay, that it ought to exerciſe the abominable privilege of Inquiſitions. Laſtly, the Aſſembly has acted inconſiſtently with its own decree, which enacts, *that the judiciary power can in no caſe be exerciſed by the Legiſlative Body*; it has on this occaſion, as on ſeveral others, pronounced judicially, and its decree ordered, that thoſe who had ſigned the declarations of Niſmes and Uzes ſhould be ſent for to the bar, to give an account of their conduct, and that, until they ſhould have obeyed the decree, they ſhould be deprived of the rights annexed to the quality of active citizen; and that, moreover, the Preſident ſhould wait upon the King to requeſt his Majeſty to give orders that the information of the facts given in to the Committee of Reſearch ſhould be examined by the Preſidial-Court of Niſmes.

Our aſtoniſhment, not to ſay our indignation, muſt be great, at this determination, by which the Legiſlative Body decides on the rights of citizens, proviſionally; interdicts thoſe whom it ſummons to appear; and thus puniſhes, without competent authority, without motive, without proof, thouſands of citizens to whom it ought never to have been imputed as a crime that they have addreſſed the Aſſembly.

Let us compare this conduct of the Aſſembly, with reſpect to remonſtrances, with its diſmiſſion of an accuſation, before the proceedings commenced on a capital and atrocious crime were finiſhed, though the charge was very heavy. I conſider only the form; yet it might be better to abſtain from all reflexions on a ſubject on which many have already been made by the whole Nation.

Note on Illegal Imprisonments.

Page 256.

WHEN I promiſed a Note on illegal Impriſonments, I propoſed to ſhew, by the collection I have procured of *lettres-de-cachet* iſſued for impriſonment in the Baſtille ſince the preſent King aſcended the throne, that there have been fewer of theſe extrajudicial orders during this ſpace of fifteen years than during the fifteen months that the Aſſembly has ſat. But I content myſelf with affirming the fact, without any enumeration; becauſe I have met with a work, of which two volumes are printed, and which is ſtill continued, in which, I preſume, more circumſtantial accounts may be found than I ſhould be either able or deſirous to give on this melancholy ſubject. The title alone of this book is ſufficient to render my labour unneceſſary, and affords a baſis of compariſon much more extenſive than mine, ſince it goes back to the year 1475, and comes down to our times. The ſubſtance of it is as follows: *Hiſtorical and authentic Memoirs of the Baſtille, in a ſeries of nearly three hundred impriſonments, detailed and proved by papers, notes, letters, reports, and verbal-proceſſes, found in that fortreſs, and arranged according to their dates, from the year* 1475 *to the preſent time.*

Thus, by a recapitulation founded on authentic documents, of which it is eaſy to perceive the intention is rather to exaggerate than conceal, we find leſs than three hundred impriſonments in a ſpace of three hundred and fifteen years, including the moſt tempeſtuous times of the monarchy, the civil wars, and religious diſputes, the principal ſources of illegal orders, and during the reigns of Monarchs, and the adminiſtration of Miniſters, who have been moſt reproached with the abuſe of power and deſpotic arts. Shall we, therefore, find any difficulty in believing that, if from the three centuries and more which the work embraces, we take away the oppreſſive times of the Medicis, the Richelieus, the Mazarins, the Le Telliers,

we ſhall find, in the remaining century and a half, ſcarcely more impriſonments by order of the Sovereign, than have taken place, within a year and a half, by order of the Aſſembly, or by the Committees of Reſearch, and the Municipalities of which it has the direction?

It is eaſy to perceive what force this concluſion acquires, when it is applied to the mildeſt and moſt moderate government that has ever been known. No; never had France leſs reaſon to complain of oppreſſion than during theſe laſt fifteen years, in which ſhe has had for her monarch a Prince who certainly has not the ſoul of a Deſpot, and who never permitted to approach him, at leaſt not till the year 1788, any Miniſter who could be charged with oppreſſion. Let us dwell for a moment on the reflexions which this ſtatement of facts naturally inſpires, and conſider that the ſame Nation which trembled in ſilence under the barbarous Louis XI; which, under Charles IX, ſuffered the horrors of the maſſacre of St. Bartholomew; which ſhuddered at the thought of offending the implacable Richelieu; which crouched at the feet of Louis XIV, and deified him; which, even in the laſt reign, ſaw a humane King, deceived by his miſtreſſes, iſſue orders that cauſed a De la Tude and a De Lorges to grow old amid the horrors of the Baſtille—that this ſame Nation, I ſay, when it no longer beholds, either on or near the throne, the leaſt appearance of tyranny or ſeverity, has ſuffered itſelf to be heated and exaſperated by a torrent of declamation againſt deſpotiſm, the exceſs of which, always blamable, becomes criminally calumnious when it refers to the preſent reign.

Note on the Opinions of Foreign Nations.

Page 372.

I HAD promiſed a Note on the opinion which Foreign Countries entertain of our Revolution, its principles, and its conſequences. I propoſed to give the extracts I had collected from

from the news-papers and gazettes of the different nations of Europe; but, during the time I have employed in compoſing this work, the general opinion has been made known in ſo many different ways, and men of ſenſe, in every country, have ſo fully ſignified their diſapprobation of the conduct of our repreſentatives, it is ſo certain that what they imagine to be admired by all the world excites only deriſion or commiſeration, that it now appears to me totally ſuperfluous to produce any proof of a fact which can no longer admit of a doubt.

Note on the Appendix promiſed in page 337.

IN reading, in the report of M. Camus on the Penſions, the chapter relative to what he calls the moſt complicated intrigues for their profuſion and blamable liberality, I was at firſt not a little irritated, when I perceived that he inſtanced in ſeveral facts appertaining to my adminiſtration, which he has disfigured, and, either wickedly or ignorantly, miſrepreſented to ſuch a degree, that I thought it incumbent on me not to ſuffer this new kind of attack to make the impreſſion intended on the inattentive or ill-informed public. The notes which I wrote in the margin of each article appeared to me ſufficient to remove every doubt, and to prove that the greater part of accuſations, which are haſarded boldly when their is no perſon to contradict, on facts which have not been thoroughly examined, and with regard to which only very imperfect notions are entertained, are eaſily repelled by an explanation, ever favourable to truth; and that the only ill effect they have, which I confeſs is a very great one, is that they prejudice minds eager to believe cenſure and calumny, and too indolent attentively to follow apologetic diſcuſſions. But to reſume, in detail, each of theſe facts, of which no one in particular is intereſting and important, and that at the end of a work which treats on objects of ſo much greater magnitude, would only be incurring the riſk of fatiguing and diſguſting all my readers; and, indeed, in attempting it, I felt ſuch a diſtaſte for

that

that petty warfare in which reproaches combat reproaches, and contradiction is ever accompanied with bitterneſs, that I have determined to reply to all the cenſorious allegations of M. Camus by only one obſervation, which is an anſwer to the greater part of his remarks, and which conſiſts in aſſerting, and engaging to prove, if neceſſary, that, to ſwell the eſtimate of the œconomical ſayings, which he has oſtentatiouſly diſplayed to the Aſſembly and the Public, he has inſerted, in his account of profuſions and expences burdenſome to the State, ſeveral annuities and penſions granted as a redemption of objects of great value, and which, conſequently, have produced benefit rather than loſs. Of this number are all the arrrangements relative to the reſumption of the domains which had been granted in Normandy. It is little credit to M. Camus, if he either would not, or could not, underſtand that this whole operation, conducted with much care, on the reports, well-deſerving to be confided in, of M. Vulpian, is œconomical and profitable to the State. His cenſure on this ſubject is therefore without foundation; and it is equally ſo on all the other articles of leſs importance, which he ſeems to have taken at random, as examples, while they are, in reality, the inſignificant production of his utmoſt efforts to find ſomething to reprehend.

ADVERTISE-

ADVERTISEMENT.

[*This Advertiſement was prefixed to the Collection of Memoirs preſented to the Aſſembly of the Notables in March* 1787.]

THESE Memoirs were drawn up only for the Notables, and, at firſt, were communicated to them alone. It was proper that the ſtatement of the plans on which the King requeſted their obſervations, ſhould be ſubmitted to their examination before they were given to the public, that they might be able quietly to form their opinion, within their *bureaux*, undiſturbed by the diſputes that might prevail without doors.

But reports and ſuggeſtions have been circulated by which the people may be led into error: it is therefore neceſſary to make known to them the true intentions of the King; it is time to inform them of the good which his Majeſty is deſirous to do for them, and to diſſipate the diſquietude with which ſome have endeavoured to inſpire them.

Mention has been made of an augmentation of the taxes, as if new ones were to be impoſed; but this is not intended. It is ſolely by the reformation of abuſes, it is by a more equal collection of the exiſting taxes, that the King wiſhes to increaſe his revenues to the amount which the neceſſities of State require, and to lighten the burden of his ſubjects, ſo far as circumſtances may permit.

But, it is ſaid, the territorial Subvention will be equivalent to four twentieths.

As to its produce, perhaps it may: it now ſuffers ſuch loſs from unjuſt exceptions, that it may be doubled by their ſuppreſſion.

But,

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But, as to the quotas, the territorial Subvention is, and ought to be, only the exact value of the two twentieths now ſubſiſting. The name is indifferent, when the thing is not changed; and to remedy abuſes, is not to change the thing.

There are two great truths which cannot be denied: the one, that it is deſirable for the whole Nation that a balance between the receipt and expenditure of the State ſhould be ſpeedily effected, ſince on that depend the punctuality of payments, œconomical order, and general tranquillity; and the other, that, to attain this end, his Majeſty ought only to have recourſe to means founded in diſtributive juſtice, and which, far from being burdenſome to the people, ſhall all tend to the relief of the poorer claſs of contributaries.

That this has been endeavoured, will appear from a peruſal of the Memoirs given for the two firſt Diviſions of the general Plan, and will be equally proved by thoſe which are to follow.

In theſe it will be ſeen that the projects adopted by his Majeſty are all projects long ſince ſanctioned by the public.

Provincial Aſſemblies, compoſed of repreſentatives of all the poſſeſſors of property, to make the liſts and aſſeſſments of the contributions.

A proportional diſtribution of the territorial impoſt (or land-tax) on all lands, without any exception whatever.

The reimburſement of the debts of the Clergy, in order that they may contribute, equally with all the other ſubjects of the King, to the public expences.

A proviſional alleviation of the *Taille*, until the provincial Aſſemblies may find it poſſible to grant one ſtill greater.

The abolition of the *Corvée* by perſonal ſervice.

The entire liberty of the commerce of grain.

The abſolute freedom of the interior circulation, by the removal of the *barrières*, and the ſuppreſſion of an infinite number of duties burdenſome to commerce; ſuch as,

The iron-ſtamp duties;

The duties on the making of oils;

Thoſe on liquors, paid on their paſſage from one province to another;

The annihilation of a multitude of ſhackles injurious to navigation and the fiſhery;

Laſtly, a diminution of the price of ſalt in thoſe provinces where it is exceſſively dear, the means of promoting an increaſe of its conſumption, and unequivocal proofs of a determination to render the *gabelle* leſs rigorous.

All theſe plans, which have been explained to the Notables aſſembled by command of the King, were indicated by the national wiſh.

The ſurplus, that is to ſay, what his Majeſty propoſes to be employed on his domains, and for the improvement of his foreſts, the objects of the third Diviſion, equally has for its end only the public good.

The fourth Diviſion, which will complete the whole, and preſent the recapitulation of all the means by which the revenue is to be benefited, and the expence diminiſhed, will preſent, in like manner, the moſt deſirable proſpect to the eyes of every enlightened citizen, who knows that what is neceſſary to the ſafety of the State is equally neceſſary to the happineſs of each individual, and that no property can be ſecure when there is no order in the public finances.

To conclude: the reſult of the means propoſed ought to be the eſtabliſhment of a balance between the receipt and the expenditure, and a gain of thirty millions of livres, to be applied to the relief of the people, without reckoning the ſuppreſſion of the third twentieth.

What difficulties can be ſuggeſted that may counterbalance ſuch advantages? What pretext can there be for diſquietude?

More money muſt be paid!—No doubt: but by whom? By thoſe only who before did not pay enough. They will pay what they ought to pay, according to a juſt proportion, and no perſon will be aggrieved.

Privileges muſt be ſacrificed!—Yes, Juſtice wills it, Neceſſity requires it. Would it be better to load ſtill more thoſe who are not privileged, the People?

There will be great complaints and remonſtrances!—They are expected. The general good can never be produced without injuring ſome individual intereſts. Was any reformation ever effected without murmurings and clamour?

But the voice of patriotiſm, but the ſentiment of gratitude due to a Sovereign who concerts with his Nation the means of ſecuring the public tranquillity; but Honour—Honour ſo powerful in the hearts of Frenchmen—can we doubt but theſe muſt at length triumph over every other conſideration?

Already the firſt Orders of the State have declared that the territorial contribution (or land-tax) ought to be extended to all lands, without any exception, and in proportion to the produce.

Already they have offered to ſacrifice, for the relief of the people, thoſe perſonal exemptions which the King had thought it juſt to grant them.

Already

Already the Aſſembly has expreſſed its gratitude for the views announced by his Majeſty.

We ſhould be to blame to conſider in the light of a malevolent oppoſition reaſonable doubts, obſervations dictated by zeal, and expreſſions characterized by a noble freedom; we muſt do injuſtice to the Nation, and be little acquainted with its true diſpoſition, ſhould we entertain the leaſt ſuſpicion that its wiſh will not coincide with that of a King who is the object of its love, and who has proved that he is ſolely actuated by the deſire of rendering his people happy.

Such was the Advertiſement which occaſioned me to be treated as an incendiary, though the truth of what I had ſaid was never contradicted. I was conſidered as having ſpoken with too little caution of thoſe who have privileges; and, to appeaſe them, I was ſacrificed.—Had I laviſhed money, to excite the people againſt my opponents, I ſhould certainly have been guilty of a crime; but this crime would perhaps have prevented many calamities.

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